

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 536/MP/2020

Subject : Petition under Section 79 (1) of the Electricity Act, 2003 read with Regulation 111 of the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999 for clarification and modification of the GST/Safeguard Duty Orders, issuance of directions to the Buying Utilities/Distribution Utilities for immediate payment and application of the orders commonly to all the similar placed project developers and Buying Utilities/Distribution Companies.

Date of Hearing : 6.8.2020

Coram : Shri P. K. Pujari, Chairperson
Shri I. S. Jha, Member
Shri Arun Goyal, Member

Petitioner : Solar Energy Corporation of India Limited (SECI)

Respondents : Azure Power Venus Private Limited and 52 Ors.

Parties present : Shri M. G. Ramachandran, Sr. Advocate, SECI
Ms. Tanya Sareen, Advocate, SECI
Shri Abhinav Kumar, SECI
Shri Manoj Mathur, SECI
Shri Ajay Kumar, SECI
Shri Udaypavan Kumar, SECI

Record of Proceedings

The matter was heard through video conferencing.

2. Learned senior counsel for the Petitioner submitted that the instant Petition has been filed for seeking directions of the Commission on (i) payment of compensation on account of GST Law and Safeguard Duty on annuity basis, (ii) direction to buying utilities/distribution companies to make payment to the Petitioner towards the reconciled GST/Safeguard Duty claims, and (iii) cut-off date for the payment of compensation on account of GST Law and Safeguard Duty. Learned senior counsel requested to issue notice to the Respondents.

3. In response to a specific query of the Commission as to whether the compensation claims on account of GST Law and Safeguard Duty are being paid by the Petitioner, learned senior counsel submitted that the Petitioner is already making the payment to the developers on annuity basis as per the methodology proposed by it. He further submitted that in cases where the Projects have already achieved commercial



operation, the amount of monthly annuity payment for the number of months elapsed till the date of payment has been made on lump-sum basis.

4. After hearing the learned senior counsel for the Petitioner, the Commission admitted the Petition and directed to issue notice to the Respondents.

5. The Commission directed the Petitioner to serve copy of the Petition on the Respondents immediately, if not already served. The Respondents were directed to file their reply by 28.8.2020 with advance copy to the Petitioner who may file its rejoinder, if any, by 14.9.2020. The due date of filing of reply and rejoinder should be strictly complied with.

6. The Petition shall be listed for hearing in due course for which separate notice will be issued.

By order of the Commission

Sd/-

(T.D. Pant)

Deputy Chief (Law)

