

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 209/MP/2022

Subject : Petition under Section 79 of the Electricity Act, 2003 read with Electricity (Timely Recovery of Cost due to Change in Law) Rules, 2021 for seeking an appropriate adjustment/compensation to offset financial/commercial impact of change in law events on account of increase in the rate of goods and service tax from 5% to 12% by way of Notification No.8/2021-Central Tax (Rate) dated 30.9.2021 in terms of the Article 21 of the Power Purchase Agreement dated 25.10.2019 between Ostro Energy Private Limited and Solar Energy Corporation of India Limited.

Date of Hearing : 14.3.2023

Coram : Shri Jishnu Barua, Chairperson
Shri I. S. Jha, Member
Shri Arun Goyal, Member
Shri P. K. Singh, Member

Petitioner : Ostro Energy Private Limited (OEPL)

Respondents : Solar Energy Corporation of India Limited and Anr.

Parties Present : Shri Mridul Gupta, Advocate, OEPL
Shri Agam Kumar, Advocate, OEPL

Record of Proceedings

Learned counsel for the Petitioner submitted that the present Petition has been filed seeking appropriate adjustment/compensation to offset financial/commercial impact of Change in Law event, namely, introduction of Notification No. 8/2021-Central Tax (Rate) dated 30.9.2021 which has resulted in increase in rate of Goods and Service Tax (GST) on renewable energy devices and parts, specifically windmills, wind operated electric generator from 5% to 12%. Learned counsel submitted that vide Record of Proceedings for the hearing dated 13.12.2022, the Commission had issued the notice in that matter and had directed the Respondents to file their reply to the Petition within three weeks, if any. Pursuant to the direction of the Commission vide said Record of Proceedings, the Petitioner had served the copy of the Petition on the Respondents. However, none of the Respondents have filed reply till date.

2. None was present on behalf of the Respondents.

3. In response to the query of the Commission regarding notice(s) having been issued to SECI and other Respondent(s), the staff of the Commission apprised that the Petitioner has not properly mapped the Respondents on the e-filing portal of the Commission.



4. Accordingly, the Commission directed the Petitioner to ensure that the Respondents are properly mapped on the e-filing portal and serve them copies of the Record of Proceedings issued in the matter till date. The Respondents were directed to file their reply to the Petition, if any, within three weeks with copy to the Petitioner, who may file its rejoinder, if any, within two weeks thereafter.

5. The Petition shall be listed for hearing on 8.6.2023.

By order of the Commission

**Sd/-
(T.D. Pant)
Joint Chief (Law)**