

NOTICE

Subject:- Petition filed by Azure Power Thirty Four Private Limited under Section 86(1) and (b) of the Electricity Act, 2003 and Article 9 read with Article 11.4 of the Power Purchase Agreement executed by the Petitioner with MSEDCL dated 30.07.2018 seeking relief on account of a 'Change in Law' viz. the Notification Nos. 24 and 27 of 2018- Central Tax (Rate) and 25 and 28 of 2018 – Integrated Tax (Rate) dated 31.12.2018 issued by the Ministry of Finance, Go I, inter alia effectively amending the Goods and Services Tax rates relating to setting up of solar power projects, resulting in additional non-recurring expenditure in the form of an additional tax burden to be borne by the Petitioner with effect from 01.01.2019.

- **Case No. 46 of 2019**

Azure Power Thirty Four Private Limited has filed a Petition on 15.02.2019 for under Section 86(1) and (b) of the Electricity Act, 2003 and Article 9 read with Article 11.4 of the Power Purchase Agreement executed by the Petitioner with MSEDCL dated 30.07.2018 seeking relief on account of a 'Change in Law' viz. the Notification Nos. 24 and 27 of 2018- Central Tax (Rate) and 25 and 28 of 2018 – Integrated Tax (Rate) dated 31.12.2018 issued by the Ministry of Finance, Go I, inter alia effectively amending the Goods and Services Tax rates relating to setting up of solar power projects, resulting in additional non-recurring expenditure in the form of an additional tax burden to be borne by the Petitioner with effect from 01.01.2019.

The main prayers of the Petitioner are as under-

a) *Declare that the issuance of Notification Nos. 24 and 27 of 2018 – Central Tax (Rate) and 25 and 28 of 2018 – Integrated Tax (Rate), dated 31.12.2018 by the Ministry of Finance, Government of India, is a Change in Law event with effect from 01.01.2019 under Article 9 of the Power Purchase Agreement dated 30.07.2018 executed between the Petitioner and MSEDCL;*

b) *Direct a lump sum compensation of Rs. 23,38,80,000/- (Rupees Twenty Three Crores Thirty Eight Lacs Eighty Thousand Only) to be paid to the Petitioner by MSEDCL in lieu of the additional tax burden on the development and operation of the instant SPGS, along with appropriate carrying costs, as elaborated in the instant Petition;*

c) *Direct the Respondent to reimburse the legal and administrative costs incurred by the Petitioner in pursuing the instant Petition; and*

d) *Pass such other orders that this Hon'ble Commission deems fit in the interest of justice.*

2. I am directed to communicate that the hearing in the above matter will be held on **Wednesday, 27 March, 2019 at 10.00 hrs** in the office of the Commission at 13th floor, Centre No.1, World Trade Centre, Cuffe Parade, Mumbai - 400 005.

3. The Petitioner is directed to immediately serve a copy of its above mentioned Petition (both in soft and hard Copy) to the Respondent before the scheduled date of hearing.

4. The Respondent is directed to submit the say on affidavit in 1+6 copies to the Commission with documents, if any, on the above mentioned Petition immediately, with a copy to the Petitioner.

5. The Parties are directed to file their Petition and submissions in MS -Word file and PDF version as far as possible and to file 1+6 copies of all relevant documents/citations produced during the proceedings.

Sd/-
(R. S. Sonawane)
Dy. Director (Legal)

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Petitioner

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Respondent