

**NOTICE**

Subject:- Petition filed by Azure Power India Private Limited under Section 86(1)(a) and (b) of the E Act, 2003 read with the Letters of Award dated 17.05.2018 and Section 21.12 of the draft PPA issued by Maharashtra State Power Generation Company (MSPGCL) inter alia seeking declaratory and compensatory reliefs on account of a  
- 'Change in Law' viz.  
**Case No. 48 of 2019**

Azure Power India Private Limited has filed a Petition on 20.02.2019 for under Section 86(1)(a) and (b) of the Electricity Act, 2003 read with the Letters of Award dated 17.05.2018 and Section 21.12 of the draft Power Purchase Agreement issued by Maharashtra State Power Generation Company Limited inter alia seeking declaratory and compensatory reliefs on account of a 'Change in Law' viz. the issuance of Notification Nos. 24 and 27 of 2018- Central Tax (Rate) and 25 and 28 of 200018 – Integrated Tax (Rate) dated 31.12.2018 by the Ministry of Finance, Government of India, inter alia effectively amending the Goods and Services Tax rates applicable on setting up of solar power projects, resulting in additional non-recurring expenditure in the form of an additional tax burden applicable 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 Section 21.12 of the draft Power Purchase Agreement issued by Mahagenco under the Request for Selection Nos. CE/SPGD-P/ Ph-II 50 MW Vidarbha Maharashtra-A-AG/ PPP/PV-34; CE/SPGD-P/ Ph-II 50 MW Marathwada Maharashtra-AG/PPP/ PV-36; CE/SPGD-P/ Ph-II 50 MW Vidarbha Maharashtra-B- AG/ PPP / PV-35; and CE/SPGD-P/ Ph-II 50 MW Western Maharashtra-B-AG/ PPP / PV-32 dated 08.02.2018, for selection of solar power developers for setting up of 200 MW ISTS-Connected Solar Power Projects;*
- b) *Direct a lump sum compensation of Rs. 27,69,00,000/- (Rupees Twenty Seven Crores Sixty Nine Lacs Only) to be paid to the Petitioner by Mahagenco in lieu of the additional tax burden on the development and operation of the instant SPGS, subject to reconciliation based on actual impact of the Amendment Notifications, 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 13<sup>th</sup> 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)

Petitioner

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Respondent

The Chief Engineer (SPGD-P),  
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