

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 212/MP/2019

Subject : Petition under Section 79 of the Electricity Act, 2003 read with Power Supply Agreement dated 18.2.2016 executed between Sembcorp Energy India Limited and the Distribution Companies for release of amounts arbitrarily and wrongfully withheld by Respondents from fuel charges legally payable to Sembcorp Energy India Limited

Petitioner : Sembcorp Energy India Limited

Respondents : Southern Power Distribution Company of Telangana and Ors.

Date of Hearing : 27.9.2019

Coram : Shri P. K. Pujari, Chairperson
Dr. M. K. Iyer, Member
Shri I. S. Jha, Member

Parties Present : Shri Amit Kapur, Advocate, Sembcorp
Shri Ameya Vikram Mishra, Advocate, Sembcorp

Record of Proceedings

Learned counsel for the Petitioner submitted that the present Petition has been filed, *inter-alia*, seeking direction to the Respondents to pay Rs. 65.18 crore towards fuel charges due to the Petitioner that is unlawfully withheld for the period from May, 2017 to December, 2018 along with applicable interest in terms of Power Supply Agreement (PSA) till the date of payment. Learned counsel submitted that in terms of the PSA, the Petitioner primarily uses the concessional fuel and the imported fuel and in case of any shortfall therein, the Petitioner is required to use fuel under the additional fuel supply arrangement. Learned counsel submitted that the Petitioner has been submitting the fuel mix proposal to be used for supply of power on a monthly basis to the Respondents. However, having accepted the supply of power based on the proposed fuel mix for the aforesaid period, the Respondents have withheld the payment of fuel charges.

2. After hearing the learned counsel of the Petitioner, the Commission admitted the Petition and directed to issue notice to the Respondents.

3. The Commission directed the Petitioner to serve copy of the Petition on the Respondents, if not served already. The Respondents were directed to file their replies by 15.10.2019 with an advance copy to the Petitioner, who may file its rejoinder, if any, by 30.10.2019. The Commission directed that due date of filing the reply and/or rejoinder should be strictly complied with.



4. Learned counsel for the Petitioner requested to direct the Respondents to pay 75% of outstanding amount to the Petitioner till disposal of the Petition. The Commission declined to issue any direction in this regard without hearing the parties.

5. 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)**

