

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 16/MP/2021**

- Subject : Petition under Section 79(1)(b) and 79(1)(f) of the Electricity Act, 2003 read with Article 10 of the Power Purchase Agreement dated 1.4.2013 and amended Power Purchase Agreement dated 10.4.2015 entered into between Sembcorp Energy India Limited (formerly Thermal Powertech Corporation of India Limited) and the distribution licensees of States of Andhra Pradesh and Telangana, seeking compensation on account of the Change in Law event due to levy of Evacuation Facility Charges and Rapid Loading Charges imposed by Coal India Limited.
- Date of Hearing : 13.7.2021
- Coram : Shri P. K. Pujari, Chairperson  
Shri I. S. Jha, Member  
Shri Arun Goyal, Member  
Shri P. K. Singh, Member
- Petitioner : Sembcorp Energy India Limited (SEIL)
- Respondents : Southern Power Distribution Company of Telangana Limited and 3 Ors.
- Parties Present : Shri Hemant Sahai, Advocate, SEIL  
Shri Nitish Gupta, Advocate, SEIL  
Ms. Parichita Chowdhury, Advocate, SEIL  
Shri Harsha Peechara, Advocate, TSSPDCL

**Record of Proceedings**

Case was called out for virtual hearing.

2. Learned counsel for the Petitioner, SEIL submitted that the present Petition has been filed, *inter alia*, seeking compensation on account of occurrence of Change in Law events, namely, (a) introduction of Evacuation Facility Charge, and (b) imposition of Rapid Loading Charge in terms of notification issued by the Coal India Limited. Learned counsel further submitted that the Commission in its various orders has held that the introduction of Evacuation Facility Charge is Change in Law event. However, imposition of Rapid Loading Charge has been disallowed as Change in Law event and the said issue is presently pending before the Hon'ble Supreme Court for consideration.
3. After hearing the learned counsel for the Petitioner, the Commission ordered as under:
- a) Admit. Issue notice to the Respondents.
  - b) The Petitioner to serve copy of the Petition on the Respondents immediately, if not already served and the Respondents to file their reply, if

any, by 6.8.2021 after serving copy of the same to the Petitioner, who may file its rejoinder, if any, by 24.8.2021.

- c) Parties to comply with above directions within the specified timeline and no extension of time shall be granted.

4. 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)**  
**Joint Chief (Law)**