

**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 : 29.9.2022

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

Petitioner : Sembcorp Energy India Ltd. (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. Nehul Sharma, Advocate, SEIL
Shri D Abhinav Rao, Advocate, Telangana Discoms
Shri Rahuk Jajoo, Advocate, Telangana Discoms
Shri Gurpreet Singh Bagga, Advocate, AP Discoms

Record of Proceedings

Learned counsel for the Petitioner submitted that the present Petition has been filed, *inter-alia*, seeking compensation on account of Change in Law events, namely, (a) introduction of Evacuation Facility Charges, and (b) imposition of Rapid Load Charge in terms of the notification issued by the Coal India Limited. Learned counsel also pointed out that earlier this petition was disposed by the Commission vide its order dated 31.1.2022 in view of the Electricity (Timely Recovery of Costs due to Change in Law) Rules, 2021. However, as per the judgment of Appellate Tribunal for Electricity dated 5.4.2022 in OP No.1 of 2022 and Ors., the Commission vide its order dated 14.6.2022 in Petition No. 8/SM/2022 restored the present Petition.

2. Learned proxy counsel appearing on behalf of the Respondent Nos. 3 & 4, AP Discoms submitted that there has been change in the counsel for the Respondents and accordingly, a short accommodation may be allowed to file vakalatnama and reply in the matter. Learned counsel appearing for the Respondent Nos. 1 & 2, Telangana Discoms also made a similar request.

3. In response, the learned counsel for the Petitioner submitted that Respondents 1&2 have already filed their reply in the matter whereas the Respondents 3&4, has not filed any reply till date despite having been given opportunity to do so. The learned counsel also added that the matter is squarely covered by the earlier decisions/orders of this Commission. Therefore, the Respondents may be permitted to file their reply/written submissions and no further hearing is required in the matter.

4. After hearing learned counsel for the parties, the Commission observed that the matter indeed appears to be squarely covered by the earlier orders of this Commission as well as the judgments of the Appellate Tribunal for Electricity and therefore, adjourning the matter for further oral hearing may not be necessary. Accordingly, the Commission directed the Respondents to file their reply/written submissions, if any, within two weeks with copy to the Petitioner who may file its rejoinder/ written submissions, if any, within two weeks thereafter. The Commission clarified that after the filing of reply/rejoinder/written submissions in the matter, if the Respondents still find a need for oral hearing in the matter, they may make a suitable request along with reasons thereof which will be considered appropriately.

5. Subject to the above, the Commission reserved the matter for order.

By order of the Commission

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