

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 173/MP/2022**

Subject : Petition under Section 79(1)(b) read with Section 79(1)(f) of the Electricity Act, 2003 read with Purchase Orders dated 18.9.2018 and 29.10.2018 issued by distribution companies of the State of Andhra Pradesh for recovery of Late Payment Surcharge on delayed payments of invoices raised by Sembcorp Energy India Limited.

Petitioner : Sembcorp Energy India Limited.

Respondents : Andhra Pradesh Power Coordination Committee and 4 Ors.

**Petition No. 175/MP/2022**

Subject : Petition under Section 79(1)(b) read with Section 79(1)(f) of the Electricity Act, 2003 read with Purchase Orders dated 06.07.2018 issued by distribution companies of State of Telangana pursuant to Request for Proposal dated 08.06.2018 for recovery of Late Payment Surcharge on delayed payments of invoices raised by Sembcorp Energy India Limited

Petitioner : Sembcorp Energy India Limited.

Respondents : Telangana State Power Coordination Committee and 4 Ors.

Date of Hearing : 11.10.2022

Coram : Shri Arun Goyal, Member  
Shri P. K. Singh, Member

Parties Present : Shri Vishrov Mukherjee, Advocate for the Petitioner  
Shri Rohit Venkat, Advocate for the Petitioner

**Record of Proceedings**

The learned counsel for the Petitioner submitted that the present Petitions have been filed for seeking directions to the Respondents, AP Discoms and Telangana Discoms to pay Late Payment Surcharge (LPS) for delayed payment of the weekly energy bills for the period from 17.9.2018 to 30.11.2018 and 16.7.2018 to 30.9.2018 respectively along with interest till actual date of payment. The learned counsel for the Petitioner requested to admit the Petitions.

2. In response to the Commission`s query as to whether the Petitions are barred by limitation, the learned counsel for the Petitioner submitted that due to covid 19 pandemic, the Hon`ble Supreme court in its various orders had extended the limitation period. Therefore, the Petitions are not barred by limitation.

3. In response to the further query of the Commission as to whether the Respondents have complied with the provisions of the Electricity (Late Payment Surcharge and related matters) Rules, 2022 ('LPSC Rules') notified by the Ministry of Power, Government of India on 3.6.2022, the learned counsel for the Petitioner submitted that no notice has been received from the Respondents for payment of outstanding dues under LPSC Rules mechanism. The learned counsel sought permission to file an affidavit on the issue of limitation.

4. After hearing the learned counsel for the Petitioner, the Commission ordered as under:

- (a) Admit the Petitions. Issue notice to the Respondents.
- (b) The Petitioner to serve copy of the Petitions on the Respondents and the Respondents to file their reply (including on the issue of limitation) to the Petitioner, if any, within four weeks after serving copy of the same to the Petitioner, who may file its rejoinder within four weeks thereafter.
- (c) Parties to comply with the above directions within specified timeline and no extension of time shall be granted.

5. The Petition shall be listed for hearing on 10.1.2023.

**By order of the Commission**

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