

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 27/MP/2022

Subject : Petition under Section 79(1)(b) read with Section 79(1)(f) of the Electricity Act, 2003 read with Power Purchase Agreement (PPA) dated 01.04.2013 (as amended) executed between Sembcorp Energy India Limited and distribution companies of Andhra Pradesh for recovery of amounts wrongly deducted towards rebate and for payment of Late Payment Surcharge on delayed payments towards reimbursement of transmission charges.

Date of Hearing : 20.10.2022

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

Petitioner : Sembcorp Energy India Limited (SEIL)

Respondents : Andhra Pradesh Power Coordination Committee (APCC) and 3 Ors.

Parties Present : Shri Vishrov Mukerjee, Advocate, SEIL
Shri Yashaswi Kant, Advocate, SEIL
Shri Damodar Solanki, Advocate, SEIL
Shri Sidhant Kumar, Advocate, APCC & AP Discoms
Ms. Manya Chandok, Advocate, APCC & AP Discoms

Record of Proceedings

Learned counsel for the Petitioner submitted that the present Petition has been filed for recovery of amounts wrongly deducted by the Respondents towards rebate and for payment of late payment surcharge on the delayed payment towards reimbursement of transmission charges. The learned counsel submitted that, as on date, the outstanding amounts are (i) Rs. 7.23 crore towards wrongfully deducted/withheld rebate, (ii) Rs. 6.80 crore towards late payment surcharge on such wrongfully deducted/withheld rebate, and (iii) Rs. 30.03 crore towards late payment surcharge on the delayed reimbursement of transmission charges.

2. Learned counsel for the Respondents, AP Discoms sought additional time to file reply to the Petition. The learned counsel also submitted that the claims of the Petitioner for the rebate and the late payment surcharge thereon are barred by limitation.

3. *In rebuttal*, the learned counsel for the Petitioner submitted that despite being given an ample time till 15.7.2022, the Respondents have failed to file their reply. He added that the claims of the Petitioner are not time barred. The learned counsel further urged that the Respondents ought to be directed to make at least part payment towards the outstanding amounts.



4. In response to the specific query of the Commission regarding outstanding amount that the Respondents are willing to pay at this stage, the learned counsel for the Respondents, on instruction, submitted that as per the Respondents the amount towards late payment surcharge on the delayed reimbursement of transmission charges works out to Rs. 27.87 crore and, without prejudice to their rights & contention, the Respondents are willing to pay such amount within period of three months.

5. Considering the submissions made by the learned counsel for the parties, the Commission directed the Respondents to pay an amount of Rs. 15 crore towards late payment surcharge on the delayed reimbursement of transmission charges within fifteen days from the date of this order and the balance amount under this head shall be paid within two months thereafter. The Commission also clarified the above payments shall be subject to the outcome of the present petition.

6. The Commission directed the Respondents to file their reply within two weeks with copy to the Petitioner, who may file its rejoinder, if any, within two weeks thereafter.

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

By order of the Commission
Sd/-
(T.D. Pant)
Joint Chief (Law)