

**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 (SEIL)

Respondents : Southern Power Distribution Co. of Andhra Pradesh Ltd. and 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 Order dated 6.7.2018 issued by distribution companies of the State of Telangana pursuant to Request for Proposal dated 8.6.2018 for recovery of Late Payment Surcharge on delayed payments of invoices raised by Sembcorp Energy India Limited.

Petitioner : Sembcorp Energy India Limited (SEIL)

Respondents : Northern Power Distribution Co. of Telangana Ltd. and Ors.

Date of Hearing : 10.1.2023

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

Parties Present : Shri Vishrov Mukerjee, Advocate, SEIL
Shri Yashaswi Kant, Advocate, SEIL
Shri Girik Bhalla, Advocate, SEIL
Shri Damodar Solanki, Advocate, SEIL
Ms. Juhi Senguttuvan, Advocate, SEIL
Ms. Manya Chandok, Advocate, AP Discoms
Shri Gurpreet Singh Bagga, Advocate, AP Discoms
Shri D Abhinav Rao, Advocate, TSSPDCL

Record of Proceedings

At the outset, the learned counsel for the Respondents, AP Discoms in Petition No. 173/MP/2022 prayed for an adjournment on the ground of non-availability of the arguing counsel due to personal difficulty. The learned counsel further added that the Commission also needs to consider as to whether the present case, since it involves purely money claim, is required to be referred to the arbitration in terms of the judgment



of APTEL dated 14.11.2022 in Appeal No. 397 of 2022 and Anr. and the Respondents may be permitted to place the above aspects on record.

2. Learned counsel for the Respondents, Telangana Discoms in Petition No. 175/MP/2022 also sought a week's time to file reply in the matter on the ground of having been appointed very recently in the matter. The learned counsel submitted that in the said case, the Petitioner has sought the claims relating to 2018 belatedly only in the year 2022.

3. Learned counsel for the Petitioner strongly opposed the request of the adjournment made by the Respondents. The learned counsel pointed out that the matters were last listed on 11.10.2022 and despite direction of the Commission to file reply to the Petitions within four weeks, no reply has been filed by any of the Respondents till date. The learned counsel further urged for interim directions to the Respondents to pay at least 75% of the outstanding amount to the Petitioner in case of any adjournment.

4. Considering the submissions made by the learned counsel for the parties, the Commission expressed displeasure towards the conduct of the Respondents in not filing the reply in the specified timeline. The Commission, however, granted two weeks' time to the Respondents to file their reply, if any, as last opportunity. The Petitioner was also permitted to file its rejoinder, if any, within two weeks thereafter.

5. The Petitions shall be listed for hearing on 21.3.2023.

By order of the Commission

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