

**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 : 10.1.2023

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 Ors.

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

**Record of Proceedings**

At the outset, learned counsel for the Petitioner pointed out that vide Record of Proceedings for the hearing dated 20.10.2022, the Respondents were directed to pay Rs. 15 crore towards late payment surcharge on the delayed reimbursement of transmission charges within fifteen days from the date of the said order and the balance amount under the said head within two months thereafter. However, no amount has been paid by the Respondents in terms of the said directions and such conduct of the Respondents deserves initiation of proceedings under Section 142 of the Electricity Act, 2003 ('the Act') against them for non-compliance of the direction of the Commission.

2. Learned counsel for the Respondents submitted that the Respondents have already paid Rs. 5 crore to the Petitioner on 3.1.2022 and are seeking for additional time of two months for making payment of the balance amount. Learned counsel also submitted that the Respondents are facing severe financial stress and debt of approximately Rs. 11,000 crores are outstanding against them. Learned counsel accordingly urged for additional time for making payment of the balance amount to the Petitioner and sought liberty to file its affidavit to place on the record the above aspects.

3. After hearing the learned counsel for the parties, the Commission took a serious note of the conduct of the Respondents in disregarding the directions of this Commission dated 20.10.2022. The Commission, however, exercising restraint, deemed it appropriate to afford one last opportunity to the Respondents to make the aforesaid payments and accordingly, after taking into the account the revised timeline suggested by the learned counsel for AP Discoms, the Commission directed the Respondents to make the payment of Rs. 10 crore towards late payment surcharge on the delayed reimbursement of transmission charges to the Petitioner within 10 days from the date of this order and the balance amount under this head by end of the first week of the February, 2023,

4. The Commission also permitted the Respondents to file their reply/affidavit, if any, within two weeks with copy to the Petitioner who may file its rejoinder thereon, if any, within two weeks thereafter. The Commission also directed the Petitioner to confirm the receipt of the payment from the Respondents in terms of the above direction after the completion of stipulated period.

5. The Petition shall be listed for hearing on 11.4.2023.

**By order of the Commission**

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