

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 270/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 4.2.2016 and 20.7.2018 for recovery of Late Payment Surcharge payable by distribution companies of State of Telangana to Sembcorp Energy India Limited for delayed payment.
- Date of Hearing : 13.4.2023
- Coram : Shri Jishnu Barua, Chairperson
Shri I. S. Jha, Member
Shri Arun Goyal, Member
Shri P. K. Singh, Member
- Petitioner : Sembcorp Energy India Limited (SEIL)
- Respondents : Telangana State Power Coordination Committee and 4 Ors.
- Parties Present : Shri Vishrov Mukerjee, Advocate, SEIL
Shri Yashaswi Kant, Advocate, SEIL
Ms. Anamika Rana, Advocate, SEIL

Record of Proceedings

Learned counsel for the Petitioner submitted that the present Petition has been filed seeking recovery of outstanding Late Payment Surcharge ('LPS') payable by the Respondents, Telangana Discoms. Learned counsel submitted that the total outstanding LPS is Rs. 24.27 crore comprising of LPS of Rs. 22.02 crore for the delayed payment of compensation for deviation in off-take of power against the quantum approved under open access and LPS of Rs. 2.24 crore for delayed payment of energy bills for the power supplied for the period from 1.8.2018 to 30.9.2018. Learned counsel further submitted that aforesaid outstanding amount has neither been denied nor disputed by the Respondents, Telangana Discoms. However, they have failed to clear this outstanding LPS amount to the Petitioner. Learned counsel added that the Petitioner has also prayed for interim direction to Telangana Discoms to release 75% of the outstanding amount of LPS payable to the Petitioner.

2. In response to the specific query of the Commission regarding limitation, the learned counsel submitted that the Petitioner's aforesaid claims of LPS are not time barred. Learned counsel further submitted that keeping in view the order of Hon'ble Supreme Court dated 10.1.2022 in M.A No. 29 of 2022 wherein the limitation period was extended on account of Covid-19 pandemic, the present Petition will not be barred by limitation.

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

- (a) Admit. Issue notice to the Respondents.

(b) The Petitioner to serve copy of the Petition on the Respondents immediately, if not already served and the Respondents to file their reply including on the aspect of limitation, if any, within three weeks with copy to the Petitioner who may file its rejoinder within three weeks thereafter.

(c) Parties to comply with the above direction within the stipulated timelines and no extension of time shall be granted.

4. The Petition shall be listed for hearing on 12.7.2023.

By order of the Commission

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