

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 253/MP/2024

Subject : Petition under Section 79 of the Electricity Act, 2003 read with Clause 7 of the Letter of Intent dated 14.1.2016 issued by BEST to Tata Power Trading Company Ltd. seeking directions for payment of late payment surcharge on account of delay by BEST in honouring the invoice(s) raised by Petitioner towards claiming additional expenditure incurred by it on account of increase in Clean Energy Cess (CEC) and interest thereupon.

Petitioner : JIPTL

Respondent : BEST & anr

Date of Hearing : **21.1.2025**

Coram : Shri Jishnu Barua, Chairperson
Shri Ramesh Babu V., Member
Shri Harish Dudani, Member

Parties Present : Shri Aniket Prasoon, Advocate, JIPTL
Shri Aman Sheikh, Advocate, JIPTL
Shri Sarthak Sareen, Advocate, JIPTL
Ms. Nikita Choukse, Advocate, BEST
Ms. Himani Yadav, Advocate, BEST
Shri Tushar Mathur, Advocate, BEST

Record of Proceedings

On a specific query by the Commission as to whether the question of arbitrability of the dispute (whether tariff or non-tariff) has been addressed by the parties, the learned counsel for the Petitioner, while answering in the negative, sought time to file its submissions on the same.

2. The learned counsel for the Respondent BSET, while pointing out that the matter pertains to the late payment surcharge, submitted that the Respondent has also raised the issue of limitation with regard to the claim of the Petitioner. She, however, prayed that the Commission may permit the Respondent to file its written submissions in two weeks, including the question of the arbitrability of the disputes in the matter.
3. The Commission, after hearing the parties, adjourned the hearing of the Petition after directing the Petitioner and the Respondent BEST to file their written submissions, including the question of the arbitrability of the disputes (not exceeding 3 pages), after serving a copy to the other, on or before **17.3.2025**.
4. The Petition will be listed for hearing on **23.3.2025**.

By order of the Commission

**Sd/-
(B. Sreekumar)
Joint Chief (Law)**

