

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 336/MP/2025

Coram:

**Shri Jishnu Barua, Chairperson
Shri Ramesh Babu V., Member
Shri Harish Dudani, Member
Shri Ravinder Singh Dhillon, Member**

Date of Order: 29th December, 2025

In the matter of:

Petition under Section 79 of the Electricity Act, 2003 seeking execution/ implementation of the Commission's order dated 7.11.2023 in Petition No. 270/ MP/ 2022 against the Telangana Discoms

And

In the matter of:

SEIL Energy India Limited
5th floor, DLF Cybercity,
Building No. 7, Tower A,
Gurugram - 122002, Haryana, India

.....Petitioner

Vs

1. Telangana State Power Coordination Committee,
Vidyut Soudha, Khairatabad, Hyderabad-500082, Telangana
2. Southern Power Distribution Company of Telangana Limited,
Corporate Office: #6-1-50, Mint Compound, Hyderabad-500063, Telangana
3. Northern Power Distribution Company of Telangana Limited,
H. No. 2-5-31/2, Corporate Office, Vidyut Bhavan, Nakkalgutta,
Hanamkonda, Warangal-506001, Telangana

...Respondents

Parties Present:

Shri Yashaswi Kant, Advocate, SEIL
Ms. Priyanka Vyas, Advocate, SEIL
Shri D. Abhinav Rao, Advocate, Telangana Discoms
Shri Abhishek Das, Advocate, Telangana Discoms



ORDER

This Petition has been filed by the Petitioner, SEIL Energy India Limited, seeking the following relief(s):

“(a) Execute Order dated 07.11.2023 passed by this Hon’ble Commission in Petition No. 270/MP/2022 and direct Respondent Discoms/TGPCC to pay SEIL Rs. 24,27,48,694 towards outstanding LPS payable for delay in making payment of invoices raised under PO 38 and PO 22;

(b) Direct Respondent Discoms/TGPCC to pay SEIL Rs. 1,52,45,018 towards outstanding interest on LPS for short payment of amounts raised vide Invoices dated 15.11.2023;

(c) Direct Respondent Discoms/TGPCC to pay SEIL Rs. 3,33,54,994/- as on 30.11.2024 as additional LPS payable for the further delay in payment of amounts in accordance with Para 46 of the 270/MP Order.

(d) Payment of Rs. 9,56,255 (till date of payment of Rs. 7,53,23,468/- i.e., till 29.01.2024) towards surcharge on delayed period in accordance with Para 46 of the 270/MP Order.

(e) Payment of Rs. 20,93,181/- as on 30.11.2024 as a surcharge on delayed remittance of interest by TGPCC, i.e., Rs. 1,52,45,018/- in accordance with Para 46 of the 270/MP Order

(f) In the interim, direct Respondent Discoms/TGPCC to pay 75% of the outstanding amount due and payable to SEIL.

(g) Pass any other such order as this Hon’ble Commission may deem necessary in the facts and circumstances of this case.”

Brief background

2. The Petitioner, SEIL Energy India Limited (formerly Sembcorp Energy India Limited) is a generating company within the meaning of Section 2(28) of the Electricity Act 2003 (the Act) and is engaged in the business of generation, operation, and, maintenance of generating plants, including owning and operating Sembcorp Energy India Limited (P1 Project) and Sembcorp Energy India Limited (P2 Project), comprising 1320 MW (2×660 MW), respectively located in the State of Andhra Pradesh. The



Petitioner supplied power to the Respondents in terms of the following arrangements (the subject matter of the said Petition), viz., Purchase Order No. 38 dated 4.2.2016 for the supply of 300 MW Round-the-Clock (RTC) power from 27.5.2016 to 25.5.2017 and Purchase Order No. 22 dated 20.7.2018 for the supply of 50 MW RTC Power, for the period from 1.8.2018 to 30.9.2018. The Purchase Order 38 and the Purchase Order 22 were issued in favour of Sembcorp Gayatri Power Limited (SGPL) (formerly known as 'NCC Power Projects Limited'). Subsequently, vide Order dated 31.10.2018 issued by the Regional Director, South East Region, the Ministry of Corporate Affairs, SGPL amalgamated into SEIL, i.e. the Petitioner. In the present case, the Petitioner supplied power to the TS Discoms from the P2 Project.

3. The Petitioner raised invoices levying compensation charges for more than a 30% deviation in the offtake of contracted energy in terms of Purchase Order 38 and weekly energy bills in terms of Purchase Order 22. However, the Respondents delayed making payments, which triggered the applicability of LPS. The Respondents failed to make payment of the outstanding LPS amounting to Rs. 22,02,55,023/- (payable as on 26.12.2019) in terms of Purchase Order 38 and Rs. 2,24,93,671/- (payable as on 26.11.2019) in terms of Purchase Order 22. On 27.4.2018, TSPCC wrote to the Petitioner admitting to the amount of Rs.59,19,42,724/- payable towards compensation (after a 5% waiver). However, this amount was paid approximately 20 months later in tranches between 6.12.2019 and 26.12.2019. Since the LPS claim crystallised only post- 26.12.2019, Petition No. 270/MP/2022 was filed by the Petitioner on 25.8.2022, seeking the recovery of the Late Payment Surcharge (LPS). The total



LPS amount claimed as outstanding by the Petitioner comprised of Rs. 22,02,55,023/- under Purchase Order No. 38 dated 4.2.2016 and an amount of Rs. 2,24,93,671/- under Purchase Order No. 22 dated 20.7.2018, along with interest pendente lite, until the actual payment of the LPS amounts.

4. The Commission, vide its order dated 7.11.2023, after rejecting the issue of limitation raised by the Respondents, in favour of the Petitioner, disposed of Petition No. 270/MP/2022, holding as under:

"40. In view of the above, the Petitioner is entitled to LPS on delayed payment of compensation invoices and Energy Bills for the supply of power in terms of Purchase Orders 38 and 22, respectively. Even though the Respondents have per se not disputed the computation Rs. 24,27,48,694/- in their reply, the Petitioner and Respondents shall reconcile the amount within 15 days of this Order and thereafter make the payment of the aforesaid outstanding LPS amount within a month thereafter [...]"

43.Thus, in accordance with the view taken by the Commission in its Order dated 9.8.2023 in Petition No.173/MP/2022, we find it proper to award the interest on the outstanding LPS dues under Purchase Orders 38 and 22 at the actual rate of interest paid by the Petitioner for arranging working capital funds (supported by the Auditor's Certificate) or the rate of interest on working capital as per the 2019 tariff Regulations or the late payment surcharge rate as per the PPA, whichever is the lowest.

44. Thus, Respondents shall be liable for the interest (at the rate specified above) on the outstanding LPS from the 30th day from the date of the respective LPS invoices until the date of the Order. The Petitioner and Respondents shall reconcile the amount of interest on the LPS within 15 days of this Order and thereafter make the payment of the interest within 30 days thereafter [...]"

46. [...] Further, in case the payments are not made within the timeline specified (15 days for reconciliation and 30 days thereafter), the provision of Late Payment Surcharge as per the Purchase Orders would kick in."

5. Accordingly, the Petitioner, on 15.11.2023, raised invoices for interest on LPS and also furnished the supporting details with respect to the computation of the outstanding payments payable by the Respondent Discoms, by 30.12.2023. However, the Respondents failed to comply with the said order dated 7.11.2023. The Petitioner



has submitted that on 29.1.2024, it had received a payment of Rs. 7,53,23,468/- from the Respondent Discoms, as against the interest component (as directed vide the order dated 7.11.2023), invoiced on 15.11.2023 for Rs. 9,05,68,486/-. However, the Petitioner has stated that the principal LPS amount of Rs. 24,27,48,694/- was not reflected in the PRAAPTI portal, which recorded the invoice dated 15.11.2023 as settled. Following the receipt of the partial interest payment on 29.1.2024, as aforesaid, the Petitioner made a verbal inquiry to the Respondent Discoms regarding the substantial outstanding balance, particularly the full amount of the adjudicated LPS and the remainder of the invoiced interest. In response, the Respondents, through the Telangana State Power Coordination Committee (TGPCC), on 30.1.2024, sent an email to the Petitioner, providing their internal calculations and the reconciliation workings for the amounts payable in compliance with the Commission's order dated 7.11.2023. The Petitioner has submitted that the calculations provided by the Respondent Discoms on 30.1.2024 revealed a significant variance from the amounts determined by the Commission, as the Respondents calculated and admitted to an outstanding principal LPS amount of Rs. 23,62,02,457/- and an interest amount of Rs. 7,53,23,468/- (which corresponds exactly to the payment made on 29.1.2024). As these figures were at variance with the Commission's order dated 7.11.2023 in Petition No. 270/MP/2022, which adjudicated the outstanding LPS at Rs. 24,27,48,694/- and interest at Rs. 9,05,68,486/-, the Petitioner filed the present Petition seeking execution of the order dated 7.11.2023, in terms of the prayers as mentioned in para 1 above.



Present Petition

6. The Petitioner, in the present Petition, has submitted that the Commission is explicitly vested with the authority to ensure the due execution and implementation of its own orders, including the order dated 7.11.2023 in Petition No. 270/MP/2022. It has been stated that the said power is drawn from Section 79 read with Section 94(1)(f) of the Act, which grants the Commission all the powers of a Civil Court for the purpose of executing its orders, and recovering the determined sums. The Petitioner has also contended that since the Respondents Discoms, have failed to comply with the order within the stipulated timeline of 30.11.2023, and have further admitted to an amount significantly less than the final adjudicated liability, the present Petition, filed under the inherent and statutory jurisdiction of the Commission, is necessary and maintainable to ensure the complete realisation of the decreed amounts, including payment of the principal LPS and the balance interest. Further, the Petitioner has outlined the discrepancies in the working/calculations of the Respondent Discoms as follows:

"(a) For PO 38, TGPCC had considered the interest rate for calculation of LPS on compensation amount as 15% per annum as against rate of 1.25% per month prescribed under PO 38, thus there is short admittance of Rs. 30,17,194/- in LPS amount

(b) For PO 22, TGPCC considered the interest rate for calculation of LPS on energy bills as 12% per annum as against 1% per month prescribed under PO 22, thus there is short admittance of Rs. 35,29,043/- in LPS amount.

(c) TGPCC calculated LPS amount as Rs. 23,61,02,457/- and the methodology adopted by TGPCC while calculating interest on LPS is contrary to the directions of this Hon'ble Commission in Para 44 of 270/MP Order. "

7. The Petitioner also submitted that as per the order dated 7.11.2023, the Respondent Discoms were liable to pay interest on the outstanding LPS from the 30th day from the date of the respective LPS invoices, until the date of the said order.



However, the Respondent No.1 calculated interest on LPS from the date of payment till the date of the said order. Accordingly, the Petitioner has submitted that despite specific directions of this Commission regarding the payment of outstanding dues, the Respondent Discoms have failed to comply as (i) the outstanding LPS of Rs.24,27,48,694/- (as on 30.12.2023) is yet to be paid and (b) Outstanding interest on LPS of Rs.1,52,45,018/- is yet to be paid in full by the Respondent Discoms. Further, the Petitioner has submitted that, in terms of the order dated 7.11.2023, for the delay in making payment as per the timelines specified by this Commission, the Respondent Discoms are liable to pay LPS (at the rate specified in the POs) for the period of delay. Based on this, the total interest payable by the Respondent Discoms, pursuant to the said order (as on 30.11.2024) has been worked out as Rs. 3,64,04,430/-. In this background, the present Petition has been filed by the Petitioner, with the prayers as mentioned in para 1 above.

Hearing dated 24.6.2025

8. The Petition was admitted on 24.6.2025, and notices were issued to the Respondents, with directions to the parties to complete the pleadings in the matter. However, no reply was filed by the Respondent Discoms.

Hearing dated 28.8.2025

9. During the hearing, the learned counsel for the Petitioner, while pointing out that the Respondents had not filed their replies, requested the Commission to grant one final opportunity to the Respondents to file the same. Accordingly, the Commission



adjourned the matter, extending a last opportunity to the Respondents to complete pleadings in the matter.

Hearing dated 10.11.2025

10. During the hearing, the learned counsel for the Respondent Telangana Discoms submitted that they have already paid the outstanding amounts due to the Petitioner in terms of the Commission's order dated 7.11.2023. In response, the learned counsel for the Petitioner sought liberty to file an affidavit, confirming the receipt of such payments and consequently, for the withdrawal of the present Petition. Considering this, the Commission reserved its order in the Petition, after permitting the Petitioner to file its affidavit, as aforesaid.

11. In terms of the liberty granted as above, the Petitioner has filed an affidavit dated 21.11.2025, submitting as follows:

"4. I say that during the pendency of the Petition, the Respondents, TG Discoms and TGPCC approached the Petitioner with a proposal to settle the dispute. Post several rounds of discussions, the parties have agreed to settle the issue basis the agreement reached between the parties, as detailed hereunder: -

(a) On 25.08.2025, TGPCC sent an email to the Petitioner requesting the Petitioner's confirmation to accept Rs. 23,58,90,931/- as the full and final settlement amount against the amount payable towards LPS and interest against PO No. 38 and PO No. 22. Further, TGPCC also requested the Petitioner to withdraw the present petition pursuant to such payment [...]

(b) On 08.10.2025, without prejudice to its rights and contentions, the Petitioner issued a counter proposal for settlement to TGPCC, inter-alia, seeking payment of amount of Rs. 23,62,02,457/- on or before 10.10.2025, along with interest payable up to the actual date of payment [...]

(c) On 16.10.2025, without prejudice to its rights and contentions, the Petitioner issued a revised counter proposal for settlement to TGPCC. In terms of the revised counter proposal, the Petitioner sought the following:

(i) The Respondent Discoms to release the LPS amount of Rs. 23,62,02,457/- on or before 20.10.2025.

(ii) The interest on the LPS amount shall be paid for a period till the actual date of payment in terms of Para 46 of the Order dated 07.11.2023 in Petition No. 270/MP/2022.



(iii) The applicable interest rate for the above period to be computed considering the actual rate of interest incurred by the Petitioner towards working capital, in lieu of the interest rates mentioned in the respective POs (1.25% and 1% per month).

(iv) The interest computed till 30.09.2025 is Rs. 3,18,81,766/- [...]

(d) On 18.10.2025, the Respondent Discoms verbally informed the Petitioner that the LPS of Rs. 23.62 Cr has been paid to the Petitioner.

(e) On 27.10.2025, the Petitioner sent an email to TGPCC seeking release of interest amount of Rs. 3,26,73,853/- (interest accrued till the actual date of payment of LPS, i.e., 18.10.2025) by 31.10.2025 [...]

(f) On 03.11.2025, TGPCC sent an email to the Petitioner informing that the interest amount of Rs. 3,26,73,853/- for the period from 22.12.2023 to 18.10.2025 was released on 01.11.2025. Pursuant to the same, TGPCC requested the Petitioner to withdraw the present Petition [...]

5. I say that the Petitioner is in receipt of the said amount. Therefore, it is requested that this Hon'ble Commission may dispose of the present Petition No. 336/MP/2025 in terms of the settlement between the parties (as detailed hereinabove), with liberty to the Petitioner to approach this Hon'ble Commission as and when the need arises."

12. The affidavit dated 21.11.2025, filed by the Petitioner, is taken on record. Since the Respondents have made the payments to the Petitioner, in terms of the settlement between the parties, the prayers of the Petitioner do not survive for consideration. The present Petition is disposed of accordingly. With regard to the Petitioners' prayer for liberty to approach the Commission, as and when the need arises, we find no need to grant such prayer, considering the fact that the parties have settled the matter. Needless to say, the Petitioner is not prevented from approaching this Commission, in case of any fresh cause of action.

13. Petition No. 336/MP/2025 stands disposed of in terms of the above.

Sd/- (Ravinder Singh Dhillon) Member	Sd/- (Harish Dudani) Member	Sd/- (Ramesh Babu V.) Member	Sd/- (Jishnu Barua) Chairperson
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