

**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.
- Date of Hearing : 21.3.2023
- 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 : Southern Power Distribution Co. of Andhra Pradesh Ltd. and Ors.
- Parties Present : Shri Vishrov Mukerjee, Advocate, SEIL
Shri Yashaswi Kant, Advocate, SEIL
Ms. Juhi Senguttuvan, Advocate, SEIL
Shri Sidhant Kumar, Advocate, AP Discoms
Ms. Muskan Gopal, Advocate, AP Discoms

Record of Proceedings

At the outset, learned counsel for the Respondents, AP Discoms submitted that the Respondents are in process of finalizing their reply and sought a week's time to file the reply.

2. Learned counsel for the Petitioner strongly opposed the request of learned counsel for the Respondents for additional time to file the reply. Learned counsel submitted that vide Record of Proceedings for the hearing dated 10.1.2023, the Commission already took strong note of the conduct of the Respondents in not filing the reply in the given timeline while granting them one last opportunity to file their reply within two weeks. However, the Respondents have again failed to file their reply. Learned counsel submitted that any further request of extension of time may only be entertained upon directing the Respondents to pay 75% of the outstanding amount as involved in the present Petition as had been also urged by the Petitioner on 10.1.2023.

3. Learned counsel for the Respondents submitted that prior to seeking direction for payment of 75% of outstanding amount, the Petitioner has to at least *prima facie* establish the case in its favour and according to the Respondents, the claim of the Petitioner under the present Petition is barred by the limitation. In response, the



learned counsel for the Petitioner submitted that the Petitioner has already filed an affidavit indicating as to how its claim made in the present case is not barred by the limitation. Learned counsel also added that none of the weekly energy invoices or the late payment surcharge invoices raised by the Petitioner had been disputed by the Respondents.

4. In response to the specific observation of the Commission with regard to the Respondents having again failed to file their reply despite having been given one last opportunity vide Record of Proceedings for the hearing dated 10.1.2023, learned counsel for the Respondents submitted that the Commission may permit the Respondents one more opportunity to file reply and order in the matter may be reserved.

5. Considering the submissions made by the learned counsel for the parties, the Commission permitted the Respondents one more opportunity to file its reply, if any, within a week with copy to the Petitioner, who may file its rejoinder, if any, within two weeks thereafter.

6. Subject to the above, the Commission reserved the matter for order.

By order of the Commission

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