

**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 1.4.2013 (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 : 11.4.2023
- 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 : Andhra Pradesh Power Coordination Committee (APCC) and 3 Ors.
- Parties Present : Shri Vishrov Mukerjee, Advocate, SEIL  
Shri Damodar Solnaki, Advocate, SEIL  
Shri Yashaswi Kant, Advocate, SEIL  
Shri Sidhant Kumar, Advocate, AP Discoms  
Shri Shivankar Rao, Advocate, AP Discoms  
Ms. Manyaa Chandok, Advocate, AP Discoms  
Ms. Muskan Gopal, Advocate, AP Discoms  
Shri Gurpreet Singh Bagga, Advocate, AP Discoms  
Ms. Vidhi Udayshankar, Advocate, AP Discoms

**Record of Proceedings**

Learned counsel for the Petitioner submitted that the present Petition has been filed seeking recovery of the amounts towards unlawful retention of Rebate and payment of Late Payment Surcharge (LPS) from the Respondents, AP Discoms. Learned counsel further referred to his 'Note of Submission' and mainly submitted the following:

(a) The claim of the Petitioner towards wrongly withheld Rebate by the Respondents for the period August, 2016 to August, 2017 is Rs. 7.23 crore. In addition, the claims of the Petitioner also include LPS on (i) wrongly deducted rebate amounts for billing period August, 2016 to July, 2020 and (ii) delayed payment of supplementary bills for reimbursement of transmission charges for the period April, 2017 to November, 2021, which as on 31.3.2023, amount to Rs. 7.47 crore and Rs.31.13 crore respectively. Thus, the total claims of the Petitioner amount to Rs. 45.84 crore.

(b) During the hearing on 20.10.2022, AP Discoms had admitted their liability of Rs. 27.87 crore towards LPS on the delayed reimbursement of transmission



charges and accordingly, in terms of the directions of the Commission vide Record of Proceedings dated 20.10.2022 and 10.1.2023, AP Discoms have paid the amount of Rs.27.87 crore to the Petitioner. However, AP Discoms are yet to give the payment advice for the aforesaid payment.

(c) The contention of the AP Discoms that the Petitioner's claim towards outstanding rebate amount is barred by limitation is misplaced. It was only vide letter dated 4.10.2021, the AP Discoms denied the liability to pay the outstanding rebate amount to the Petition and thus, the cause of action for the Petitioner arose only on 4.10.2021.

2. In response to the specific query of the Commission with regard to the amount claimed under the Petition, learned counsel for the Petitioner submitted that, under the prayers (a) to (c), the Petitioner has prayed for direction to AP Discoms to pay Rs. 7.23 crore for the wrongly deducted rebate for the period from August, 2016 to August, 2017, Rs. 5.60 crore towards LPS for the delayed payment on account of wrongful deduction of rebate from the monthly energy bills for the period from August, 2016 to July, 2016 and Rs. 27.18 crore towards LPS for the delayed payment of supplementary bills for reimbursement of transmission charges for the period from April, 2017 to August, 2021. Learned counsel, however, pointed out that at prayer (d) the Petitioner has also prayed for *pendent lite* interest. Learned counsel for the Petitioner further added that the Respondents ought to also be directed to file their computation of outstanding amount as claimed by the Petitioner on affidavit.

3. Learned counsel for the Respondents, AP Discoms prayed for an adjournment on the ground of non-availability of arguing counsel. Learned counsel further submitted that the Respondents are disputing the claims of the claims of the Petitioner towards rebate and LPS thereon as they are barred by limitation.

4. Learned counsel for the Petitioner urged that the Respondents ought to be directed to pay at least 50% of the balance outstanding claims of the Petitioner. However, learned counsel for the Respondents opposed the said request and submitted that the Respondents have already made payment towards LPS on the delayed reimbursement of transmission charges-a significant portion of the Petitioner's total claims and the balance claims are as such contested by the Respondents. Learned counsel for the Respondents also sought liberty to file their written submissions.

5. Considering the request of the learned counsel for the Respondents, AP Discoms, the Commission adjourned the matter as a last opportunity. The Commission also directed the Respondents to file their comments on the amounts as claimed by the Petitioner within two weeks. The Commission also permitted the Respondents to file their written submissions within two weeks. Parties were further directed to file their submissions qua the limitation as well since raised by the Respondents

6. The Petition shall be listed for hearing on 22.6.2023.

**By order of the Commission**  
**Sd/-**  
**(T.D. Pant)**  
**Joint Chief (Law)**