

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No.307/MP/2023

Subject : Petition under Section 79(1)(f) for adjudication of dispute on the issue of Payment of Interest on Delayed Payment by the Respondent

Date of Hearing : **28.11.2023**

Coram : Shri Jishnu Barua, Chairperson
Shri Arun Goyal, Member
Shri P. K. Singh, Member

Petitioner : Shree Cement Limited (SCL)

Respondents : Telangana State Power Coordination Committee and 2 Ors.

Parties Present : Ms. Swapna Seshadri, Advocate, SCL
Ms. Aishwarya, Advocate, SCL

Record of Proceedings

Learned counsel for the Petitioner submitted that the present Petition has been filed, *inter alia*, seeking direction upon Respondents to pay the delayed payment surcharge as payable to the Petitioner in terms of the Purchase Orders dated 16.11.2018 & 27.4.2019 and to remit an amount of Rs. 43,74,65,422/-, as on 2.6.2023, along with carrying cost till the date of the actual payment.

2. In response to the specific query of the Commission on the aspect of jurisdiction, the learned counsel submitted that during the contract periods i.e. 15.1.2019 to 30.4.2019 and 1.7.2019 to 31.3.2020, apart from the supplying power to the Telangana Discoms, the Petitioner also supplied its surplus power to other parties, namely, Discom(s) of Punjab, Tamil Nadu, BYPL, IEX, and Nepal Electricity Authority from its CTU connected 300 MW Thermal Power Station located in the State of Rajasthan thereby constituting generation and sale of power in more than one State. Learned counsel also added that even without considering the above transactions, the supply of power to Telangana Discoms under the Purchase Orders, in relation to which the dispute has arose, is inter-State transaction and as per the ratio laid down by the Hon'ble Supreme Court in the case of Energy Watchdog v. CERC, [(2017) 14 SCC 80], only this Commission can have the jurisdiction to entertain the dispute arising out of such inter-State transaction.

3. Learned counsel for the Respondents, Telangana Discoms objected to the maintainability of the Petition and pointed out that as per Clause 13 of Purchase Order(s), the parties have agreed that any dispute arising out of the Purchase Orders will be adjudicated by the Telangana State Electricity Regulatory Commission only.

4. Considering the submissions made by the learned counsel for the parties, the Commission ordered as under:

(a) Issue notice on the maintainability as well as on merits.

(b) The Respondents to file their replies on the maintainability as well as on merits within four weeks with a copy to the Petitioner, who may file its comprehensive rejoinder, within four weeks thereafter.

(c) The Petitioner to file the documents/PPAs establishing the composite scheme of the generating station.

5. The Petition will be listed for the hearing on maintainability as well as on merits on **8.3.2024**.

By order of the Commission

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