

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 336/MP/2024

Subject : Petition under Section 79 (1) (b) and (f) of the Electricity Act, 2003 read with Article 36.4.1 of the PSA dated 31.12.2021 executed between the Petitioner and AP Discoms for recovery of amounts wrongfully deducted/ withheld from the monthly energy invoices for the period of February 2023 to April 2024 issued by the Petitioner, along with interest.

Petitioner : SEIL Energy India Limited

Respondents : APPCC and 3 others

Date of Hearing : **19.5.2025**

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

Parties Present : Shri Vishrov Mukherjee, Advocate, SEIL
Shri Yashaswi Kant, Advocate, SEIL
Ms. Priyanka Vyas, Advocate, SEIL
Shri Rudrajit Ghosh, Advocate, AP Discoms

Record of Proceedings

During the hearing, the learned counsel for the Petitioner circulated note of arguments and made detailed oral submissions with regard to the deductions made by the Respondents from the monthly bills towards the power supplied under the PPA dated 31.12.2021 on the following heads, namely the (i) Incorrect computation of fixed charges and consideration of bid date (ii) Incorrect value of GCV (iii) Incorrect reduction in the fixed charges based on plant availability (iv) Disallowance of incentive and (v) Incorrect levy of penalty based on availability. He also submitted that the Petitioner's plant has a composite scheme for the generation and sale of power to more than one State, and therefore, this Commission has the jurisdiction to adjudicate the disputes, in terms of the judgment of the Hon'ble Supreme Court in Energy Watchdog case (2017) 14 SCC 80.

2. At the outset, the learned counsel for the Respondents objected to the jurisdiction of this Commission to adjudicate the disputes and submitted that for the period of PSA (dated 31.12.2021) commencing from 1.2.2023, the Petitioner's (P2) plant has no long-term or medium-term PPA with any other State. He also submitted that since there is no inter-State generation and sale of electricity, there is no composite scheme, and therefore, the State Commission (APERC) only has jurisdiction in the matter. The learned counsel also made preliminary submissions with regard to the computation of the base fixed charges, the payment of fixed charges to the extent of normative availability, the GCV for the determination of fuel charges, and the determination of penalty/interest. However, due to a paucity of time, the learned counsel could not conclude his arguments. Accordingly, the hearing of the petition was adjourned.



3. The matter is 'Part-heard' and shall be listed for hearing the Respondents on **10.7.2025**. The Respondents are directed to file their written note of arguments, after serving a copy to the Petitioner, prior to the next date of hearing.

By order of the Commission

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

