

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 16/MP/2021

Subject : Petition under Section 79(1)(b) and 79(1)(f) of the Electricity Act, 2003 read with Article 10 of the Power Purchase Agreement dated 1.4.2013 and amended Power Purchase Agreement dated 10.4.2015 entered into between Sembcorp Energy India Limited (formerly Thermal Powertech Corporation of India Limited) and the distribution licensees of States of Andhra Pradesh and Telangana, seeking compensation on account of the Change in Law event due to levy of Evacuation Facility Charges and Rapid Loading Charges imposed by Coal India Limited.

Date of Hearing : 24.1.2022

Coram : Shri I. S. Jha, Member
Shri Arun Goyal, Member
Shri P. K. Singh, Member

Petitioner : Sembcorp Energy India Limited (SEIL)

Respondents : Southern Power Distribution Company of Telangana Limited and 3 Ors.

Parties Present : Shri Hemant Sahai, Advocate, SEIL
Shri Nitish Gupta, Advocate, SEIL
Ms. Nehul Sharma, Advocate, SEIL
Shri Saurobroto Dutta, Advocate, SEIL
Shri Harsha Peechara, Advocate, TSSPDCL

Record of Proceedings

Case was called out for virtual hearing.

2. Learned counsel for the Petitioner submitted that the present Petition has been filed, *inter alia*, seeking compensation on account of occurrence of Change in Law events, namely, (a) introduction of evacuation facility charges, and (b) imposition of rapid loading charges in terms of notification issued by Coal India Limited. Learned counsel further submitted that the Respondents, Telangana Discoms have already filed their replies. However, the Respondents, Andhra Pradesh Discoms are yet to file their replies. Learned counsel further submitted that the Petitioner has already issued the Change in Law notice to the Respondents.

3. In response to the specific query of the Commission as to whether the Change in Law notice issued by the Petitioner was under the Electricity (Timely Recovery of Costs due to Change in Law) Rules, 2021 ('the Change in Law Rules'), learned counsel for the Petitioner replied in negative and submitted that Telangana Discoms having already disclosed their stand on the affidavit, issuing the notice under the Change in Law Rules would not serve any purpose. In any case, Telangana Discoms would not be in position to take a view different from that taken in their replies. Learned counsel, however, added that the Petitioner may be



permitted to issue notice to AP Discoms, who are yet to file any replies, under the Change in Law Rules and the matter may be adjourned and kept pending in the meanwhile.

4. After hearing the learned counsel for the Petitioner, the Commission reserved the order in the matter.

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