

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Coram

1. **Dr. Pramod Deo, Chairperson**
2. **Shri R.Krishnamoorthy, Member**
3. **Shri S.Jayaraman, Member**
4. **Shri V.S.Verma, Member**

**Petition No. 36/2009
(Suo-motu)**

In the matter of

Default in payment of Unscheduled Interchanges (UI) charges for the energy drawn in excess of the drawl schedule by Nagaland.

And in the matter of

Department of Power, Govt. of Nagaland, Kohima **Respondent**

The following was present:

Shri R.Sutraohar, Chief Manager, NERLDC

**ORDER
(DATE OF HEARING: 26.3.2009)**

It was reported by North Eastern Regional Load Despatch Centre (NERLDC) that an amount of Rs. 441.67 lakh was outstanding against the respondent, as on 31.12.2008, on account of UI drawls after adjustment of Rs. 21.48 lakh paid during December 2008. It was also reported that as on 30.11.2008, the outstanding amount stood at Rs. 452.38 lakh.

2. Finding that payment of UI charges was delayed, the Commission by its order dated 25.2.2009 directed the respondent, to show cause as to why action under Section 142 of the Electricity of the Electricity Act, 2003 (the Act) should not be taken against it for non-compliance of the provisions of IEGC regarding to timely payments of UI charges.

3. None was present on behalf of the respondent.
4. The representative of NERLDC informed that the respondent had deposited Rs. 567 lakh on 18.3.2009.
5. IEGC, specified by the Commission in exercise of its power under clause (h) of sub-section (1) of Section 79 of the Electricity Act, 2003, provides that payment on account of UI charges are to be made within 10 days of issue of statement by the Regional Power Committee. The arrears have been carried forward from previous months. There is no explanation at all for delay in making payment. UI charges which became payable as the respondent overdrew the share of other constituents and which deserved high priority in settlement. Under these circumstances, we are satisfied that the respondent is guilty of contravention of and non-compliance with the provisions of IEGC, referred to in the order dated 25.2.2009.
6. Accordingly, in exercise of power under Section 142 of the Act, we impose a nominal penalty of Rs. twenty-five thousand on the respondent, to be deposited latest by 17.4.2009.
7. North-Eastern Regional Power Committee Secretariat is directed to calculate the amount of interest payable by the respondent on account of late payment, and communicate the amount to the respondent latest by 20.4.2009. Thereafter, the respondent shall deposit the interest with the NERLDC latest by 5.5.2009.

sd/-
(V.S.VERMA)
MEMBER

sd/-
(S.JAYARAMAN)
MEMBER

sd/-
(KRISHNAMOORTHY)
MEMBER

sd/-
(DR.PRAMOD DEO)
CHAIRPERSON

New Delhi dated the 31st March 2009