

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Coram:

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

**Petition No. 29/2009
(Suo-motu)**

In the matter of

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

And in the matter of

Power Development Department, Govt. of J & K, Srinagar... **Respondent**

ORDER

On noticing default by the respondent in payment of UI charges, the Commission vide its order dated 13.5.2008 in Petition No. 132/2007 (suo motu) directed the respondent to liquidate the entire principal amount of arrears in six monthly instalments of Rs. 111 crore each, starting from June 2008, in addition to timely payment of current UI dues, if any. However, since the respondent did not comply with the directions as per order dated 13.5.2008, proceedings under Section 142 of the Electricity Act, 2003 (the Act), were initiated by order dated 10.10.2008, which resulted in imposition of penalty on the respondent. The substantial amount of UI arrears was, however, paid separately.

2. After taking note of the fact that substantial amount was paid by the respondent, in the order dated 10.12.2008, Member-Secretary, Northern Regional Power Committee (NRPC) was directed to calculate the amount of

interest payable by the respondent on account of delayed payment of the principal amount and convey it to the respondent who was directed to settle the payment of interest by 31.1.2009. Member-Secretary, NRPC vide his letter dated 23.12.2008 informed the respondent that a total amount of Rs. 3171965977/= was due as interest up to November 2008. This amount was payable by 31.1.2009 in accordance with the Commission's said order dated 10.12.2008. Northern Region Load Despatch Centre vide its letter dated 4.2.2009 has informed that an amount of Rs. 317.20 crore was still outstanding against the respondent.

3. Under the above circumstances, the respondent is *prima facie* guilty of non-compliance of the Commission's direction issued under the said order dated 10.12.2008. Accordingly, the respondent is hereby directed to show cause, latest by 10.3.2009 as to why penalty under Section 142 of the Electricity Act, 2003, be not imposed on it for the default in complying with the above directions of the Commission.

4. List this petition 19.3.2009.

5. Officer-in-charge of NRLDC and the Member-Secretary, NRPC or their representatives shall assist the Commission in the proceedings.

Sd/-
(S. JAYARAMAN)
MEMBER

sd/-
(R. KRISHNAMOORTHY)
MEMBER

sd/-
(DR. PRAMOD DEO)
CHAIRPERSON

New Delhi dated 16th February 2009