

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Coram

**Dr. Pramod Deo, Chairperson
Shri R. Krishnamoorthy, Member
Shri S. Jayaraman, Member**

Petition No. 163/2008

In the matter of

Accumulation of dues – seeking Commission's intervention and direction to TNEB to clear income-tax dues and excess payment availed

And in the matter of

Neyveli Lignite Corporation Ltd, Chennai

Petitioner

Vs

Tamil Nadu Electricity Board, Chennai

Respondent

Following were present

- 1. Shri R. Suresh, NLC**
- 2. Shri A. Ganesan, NLC**

**ORDER
(Date of Hearing: 5.2.2009)**

The petitioner has pointed out that the respondent had been making payments for the petitioner's bills for supply of electricity through cheques and without opening LC, but after deducting rebate @ 2.5% up to October 2004 and @ 2% from November 2004, till December 2007. This act of the respondent is stated to be contrary to the regulations on terms and

conditions of tariff specified by the Commission and the directions under orders dated 19.10.2005 in Petition No.97/2005 and 14.9.2006 in Petition No. 17/2006. An amount of Rs. 79.52 crore is said to be outstanding against the respondent. Another amount of Rs. 481.46 crore is said to be payable by the respondent on account of income-tax. The petitioner accordingly seeks direction to the respondent for release of excess rebate detained by it and also for recovery of income-tax.

2. Heard Shri R. Suresh on admission.

3. Admit. The petitioner is directed to serve copy of the petition on the respondent latest by 15.2.2009 if not already served, along with a copy of this order. The respondent may file its reply latest by 5.3.2009 with a copy to the petitioner who may file its rejoinder, if any, by 15.3.2009.

4. List for further directions on 22.3.2009.

Sd/-
(S. JAYARAMAN)
MEMBER

Sd/-
(R. KRISHNAMOORTHY)
MEMBER

Sd/-
(DR. PRAMOD DEO)
CHAIRPERSON

New Delhi, dated the 5th February, 2009