CENTRAL ELECTRICITY REGULATORY COMMISSION **NEW DELHI** 

Petition No. 163/2008

Coram:

Dr. Pramod Deo, Chairperson Shri V.S.Verma, Member

Date of Order: 27.1.2010

In the matter of

Accumulation of dues - Seeking the Commission's intervention and direction for TNEB to clear the Income Tax dues and excess rebates availed.

And

In the matter of

Neyveli Lignite Corporation Limited, Chennai

**Petitioner** 

Versus

Tamil Nadu Electricity Board, Chennai

Respondent

. . . . . .

**ORDER** 

This petition was filed by the Neyveli Lignite Corporation Limited seeking directions to the respondent to refund the excess rebate of Rs.79.52 crore retained by it and to reimburse the income tax dues of Rs.481.46 crore paid by the petitioner in advance to

income tax authorities.

2. After hearing the parties, the Commission by its order dated 7.1.2010 allowed

the petition and directed the respondent to refund the excess rebate amount of Rs.

79.52 crore to the petitioner with interest at the rate of 1.25% per month from

1.5.2009 till the date of payment. By the same order, the Commission also directed

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the respondent to reimburse the income-tax dues amounting to Rs.481.46 crore to

the petitioner with interest @ 1.25% per month from the date of this order, till the date

of reimbursement. The said amounts were directed to be paid to the petitioner by

15.1.2010.

3. The learned counsel for the respondent by letter dated 10.1.2010 has sought

extension of time for four weeks to make payment to enable the respondent to file

appeal before the Appellate Tribunal. He has also expressed difficulty due to non-

receipt of the Commission's order dated 7.1.2010 by the respondent and the closure

of the office of the respondent during Pongal holidays.

4. It is observed from records that the certified copy of the order was received

by the respondent on 12.1.2010. However, due to paucity of time and in view of the

difficulties expressed by the learned counsel for the respondent, the prayer of the

respondent is considered and the time for making payments is extended.

Accordingly, the respondent is directed to make payment of the said amounts in

terms of our dated 7.1.2010, to the petitioner, by 1.2.2010.

Sd/-

[V S VERMA] MEMBER Sd/-

[DR. PRAMOD DEO] CHAIRPERSON

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