

CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI

Petition No. 261/2010 (Suo-motu)

Coram:
Dr. Pramod Deo, Chairperson
Shri S.Jayaraman, Member
Shri V.S.Verma, Member
Shri M.Deena Dayalan, Member

DATE OF ORDER: 04.10.2010

In the matter of

Default in payment of Unscheduled Interchanges (UI) charges for the energy drawn in excess of the drawn schedule by Uttar Pradesh Power Corporation Ltd., Lucknow.

And in the matter of

Uttar Pradesh Power Corporation Ltd., Lucknow ...**Respondent**

ORDER

Regulation 10 of the Central Electricity Regulatory Commission (Unscheduled interchange charges and related matters) Regulations, 2009 (UI Regulations) provides for the schedule of payment of unscheduled interchange charges and payment security for settlement of UI dues as under:

"10. Schedule of payment of Unscheduled Interchange Charges and Payment Security

- (1) *The payment of UI charges shall have a high priority and the concerned constituent shall pay the indicated amounts within 10 (ten) days of the issue of statement of*

Unscheduled Interchange charge including Additional Unscheduled Interchange charges by the Secretariat of the respective Regional Power Committee into the "Regional Unscheduled Pool Account Fund" of the concerned region.

- (2) *If payments against the Unscheduled Interchange charges including Additional Unscheduled Interchange charges are delayed by the more than two days, i.e. beyond twelve (12) days from the date of issue of the statement by the Secretariat of the respective Regional Power Committee, the defaulting constituent shall have to pay simple interest @ 0.04% for each day of delay.*
- (3) *All payments to the entities entitled to receive any amount on account of UI charges shall be made within 2 working days of receipt of the payments in the "Regional Unscheduled Interchange Pool Account Fund" of the concerned region:*

Provided that in case of delay in the UI payment into the respective regional UI Pool Account and interest thereon if any, beyond 12 days from the date of issue of the Statement of UI chares then the regional entities who have to receive UI payment or interest thereon shall be paid from the balance available if any, in the regional UI Pool Account Fund of the region. In case the balance available is not sufficient to meet the payment to the constituents, then the payment from the regional UI Pool Account Fund shall be made on pro rata basis from the balance available in the Fund."

2. As per the above provision of the UI regulations, payment of UI charges which enjoys highest priority shall be made within 10 days of the issue of UI statement by the Regional Power Committee and for delay beyond 12 days, the defaulting entity shall be liable to pay interest @ 0.04% per day.

3. Northern Regional Load Despatch Centre has reported that net outstanding UI charges as on 31.08.2010 against U.P. was ₹ 524 crore, considering UI rates as per CERC regulations. Northern Regional Load Dispatch Centre (NRLDC) has also reported that total outstanding against U.P. was ₹ 296.05 crore as on 31.08.2010, towards UI payment including surcharge, considering the rates as per the interim order of the Hon'ble High Court of Allahabad.

4. From the above facts, it emerges that the respondent has not complied with the provisions of the UI regulations. The respondent is directed to show cause as to why action under Section 142 of the Electricity Act, 2003 should not be taken against it for non-compliance of the provisions of the UI regulations in regard to timely payment of UI charges.

5. List on 28.10.2010 for further directions.

6. Officer-in-charge of ERLDC or his representative shall assist the Commission in the proceedings.

Sd/-
(M.DEENA DAYALAN)
MEMBER

sd/-
(V.S.VERMA)
MEMBER

sd/-
(S.JAYARAMAN)
MEMBER

sd/-
(Dr. PRAMOD DEO)
CHAIRPERSON