

# CENTRAL ELECTRICITY REGULATORY COMMISSION NEW DELHI

## Coram

1. Shri D.P. Sinha, Member
2. Shri G.S. Rajamani, Member
3. Shri K.N. Sinha, Member

Review Petition No. 126/2000

in Petition

NP, 53/2000.

### **In the matter of**

Review of Commission's order dated 8-9-2000 in Petition No. 53/2000 in respect of payment of outstanding dues and payment of future monthly bills on time.

### **And in the matter of**

- National Thermal Power Corporation Limited .... Petitioner VS
1. Chairman, Uttar Pradesh Power Corporation Limited, Shakti Bhavan, 14, Ashok Marg, Lucknow-226007.
  2. Chairman, Rajasthan Rajya Vidyut Prasaran Nigam Ltd, Vidyut Bhavan, Vidyut Marg, Jaipur-302005.
  3. Chairman, Himachal Pradesh State Electricity Board, Vidyut Bhavan, Kumar House Complex Bldg.II, Shimla.
  4. Chairman, Punjab State Electricity Board, The Mall, Patiala-147001.
  5. Chairman, Haryana Vidyut Prasaran Nigam Limited, Shakti Bhavan, Sector-6, Panchkula, Haryana-134109.
  6. Commissioner, Power Development Department, Govt, of J&K, Secretariat, Srinagar.
  7. Chairman, Delhi Vidyut Board, Shakti Bhavan, Nehru Place, New Delhi-110 019.
  8. Chief Engineer, Chandigarh Admn., Sector-9, Chandigarh.

.....**Respondents**

The following were present:

1. Shri M.G. Ramachandran, Advocate for NTPC
2. Shri M.S. Chawla, NTPC
3. Shri M. Ramakrishnan, NTPC
4. Shri Gurcharan Singh, HVPN
5. Shri J.K. Gupta, DD/ISB, PSEB
6. Shri S.C. Goel, AD/ISB, PSEB

**ORDER (Date of Hearing: 9<sup>th</sup>  
July, 2001)**

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This application has been filed for review of order dated 8-9-2000 in petition No. 53/2000.

2. Petition No. 53/2000 was filed by the petitioner seeking directions to the respondents for payment of amounts due to the petitioner with further direction to make all future payments of monthly bills on time, and for change of methodology for apportionment of fixed charges in the event of the petitioner enforcing regulation of power supply to the respondents in default of making payments. Another direction sought by the petitioner was that the respondents should create a first charge against all their revenues to secure the amounts due to the petitioner and first charge should have precedence over the escrow arrangements for power purchase contracted by the respondents. A single petition was filed for the entire region and the consolidated amount of the outstanding dues was given in the petition. The petition was heard on 8-9-2000 for admission. On hearing the learned counsel for the petitioner, the Commission directed that separate petitions be filed for each of the stations in the region and

that the petitioner would incorporate the month-wise break-up of the outstanding dues for each station.

3. In the review application filed by the petitioner, it has been pointed out that the details of outstanding amounts cannot be segregated station-wise as no such records are maintained for the past period and that all the claims of the petitioner against the respondents be allowed to be combined in single petition. The petitioner, however, has stated that w.e.f. 1<sup>st</sup> April, 1998, it is in a position to give month-wise break-up of the outstanding dues.

4. The notice for hearing of the petition on 6-7-2001 was sent to the respondents. Based on the request made by Shri M.G. Ramachandran, the learned counsel for the petitioner, hearing on this petition was rescheduled for 9<sup>th</sup> July, 2001.

5. We have heard the learned counsel for the petitioner. In view of the difficulties stated by the petitioner in the review application, we feel that the earlier direction for filing of station-wise petition needs to be modified. Accordingly, We direct that the petition No.53/2000 filed for the entire northern region shall be taken up for hearing. As the details of month-wise outstanding dues from 1<sup>st</sup> April, 1998 are available with the petitioner, these shall be filed before the Commission, duly supported by affidavit with advance copy to the respondents.

6. The respondents may file their replies to the main petition No. 53/2000, a copy of which has already been sent to the petitioner as also the affidavit directed to be filed as per para 5 above by 16<sup>th</sup> August, 2001. The petitioner may file its rejoinder, if any, within 2 weeks thereafter. Petition No.53/2000 shall be placed before the Commission on completion of pleadings for fixing the date of hearing.

7. The above directions shall not preclude the respondents from seeking any further details on matters in issue, in accordance with law.

8. With the above directions, the review application stands allowed to the extent indicated above. The review application shall be deemed to have been disposed off after admission.

**(K.N. Sinhay  
Member**

**( G.S. Rajamani)  
Member**

  
**(D.P. Sinha )  
Member**

**New Delhi dated 9-7-2001**

**RP.No. 22/2001,**  
**IA No.45/2001 In Petition No. 20/99,**  
**IA No. 47/2001 in Petition No. 22/99,**  
**R.P. No. 126/2000 & Petition No. 53/2000**

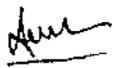
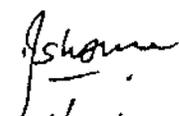
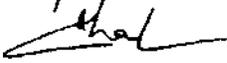
Coram;

4. Shri D.P. Sinha, Member
5. Shri G.S. Rajamani, Member
6. Shri K.N. Sinha, Member

Attend : cum order sheet for the hearing held on 09.07.2001 in Petitions filed by  
**NTPC.**

<u>&amp;N'»- Vime and Designation</u>	<u>Pet. No.</u>	<u>Party represented</u>
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Signature


**M5^**

7- **KK. &A4LC**      **hS)2.\*\*X<sub>X</sub>**      **\*/TPC**