

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 157/2011 (Suo-motu)**

**Coram**

1. Dr. Pramod Deo, Chairperson
2. Shri S.Jayaraman, Member
3. Shri V.S.Verma, Member
4. Shri M.Deena Dayalan, Member

**DATE OF HEARING: 26.7.2011**

**DATE OF ORDER: 19.8.2011**

**In the matter of**

Default in payment of Unscheduled interchanges (UI) charges for the energy drawn in excess of the drawn schedule by Bihar State Electricity Board, Patna

**And**

**In the matter of**

1. Bihar State Electricity Board, Patna
  2. Chairman-cum-Managing Director, Bihar State Electricity Board,  
Patna
- Respondents**

**Following were present:**

1. Shri R.B.Sharma, Advocate, BSEB
2. Shri Neeraj Kumar, NRLDC

**ORDER**

Based on the report from Northern Regional Load Despatch Centre, it was noticed that an amount of ₹12.55 crore including surcharge was outstanding against the first respondent on account arrears of UI drawl as on 31.5.2011. The Commission in its order dated 12.7.2011 had directed



the first respondent to show case as to why action under Section 142 of the Electricity Act, 2003 (hereinafter referred to as 'the Act') should not be initiated against it for non-compliance of the provisions of the Central Electricity Regulatory Commission (Unscheduled Interchange charges and related matters) Regulations, 2009 (hereinafter referred to as "the UI Regulations") in regard to timely payment of UI charges. No reply has been filed by the first respondent.

2. Learned counsel for the respondents submitted during the hearing that as on 10.7.2011 there was no outstanding UI dues against BSEB. On the other hand, BSEB was to receive UI from the Eastern Regional UI pool.

3. The Commission clarified that thereafter no UI is outstanding against BSEB as on 12.7.2011, however, the reports of ERLDC shows that there was net outstanding UI charges against BSES from the months of February 2011 to June 2011.

4. Regulation 10 (1) of the UI Regulations provides that the payment of UI charges shall have a high priority and the concerned constituent shall pay the indicated amounts within 10 days of the issue of the statement of Unscheduled Interchange charges including additional Unscheduled Interchange by the Secretariat of the respective Regional Power Committee.

5. As per the report of the Eastern Regional Load Despatch Centre a sum of ₹ 3.06 crore, ₹ 7.05 crore, ₹ 13.49 crore, ₹ 12.44 crore and ₹ 3.49 crore

including surcharge was outstanding against first respondent towards UI payment during the months of February, March, April, May and June, 2011, respectively. Only in the month of July 2011, the outstanding UI has been liquidated after adjustment of the outstanding dues with the receivables.

6. From the report of ERLDC, it follows that the first respondent has not complied with the provisions of UI Regulations. Accordingly, we direct the first respondent to file its reply showing the reasons for non-compliance of the UI Regulations on or before 30.8.2011. ERLDC is also directed to file the details of outstanding UI charges/receivables against the first respondent and payment by it and adjustments by receivable towards UI charges during the months of February 2011 to July 2011, latest by 30.8.2011.

7. Officer-in-charge of ELRDC and the Member-Secretary, ERPC or their representatives shall be present at the hearing to assist the Commission in the proceedings.

8. List for further direction on 8.9.2011.

Sd/-	sd/-	sd/-	sd/-
<b>(M.DEENA DAYALAN)</b> <b>MEMBER</b>	<b>(V.S.VERMA)</b> <b>MEMBER</b>	<b>(S.JAYARAMAN)</b> <b>MEMBER</b>	<b>(Dr. PRAMOD DEO)</b> <b>CHAIRPERSON</b>