

CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI

Petition No. 223/2010 (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: 12.5.2011

DATE OF ORDER: 30.5.2011

In the matter of

Default in payment of Unscheduled Interchanges (UI) charges for the energy drawn in excess of the drawal schedule by Department of Power, Government of Nagaland.

And in the matter of

Department of Power, Govt. of Nagaland, Kohima .Respondent

Following were present:

Shri R. Sutradhar

ORDER

We had issued the following direction to the respondent in our order dated 25.4.2011:

"4. As per information received from North-Eastern Regional Load Despatch Centre (NERLDC), the respondent has made payment of ₹ 8.79 crore during the month of January and ₹ 7 lakh during the Month of March 2011. However, after taking into account the accrual during the months of January, February and March, 2011, an amount of ₹ 12.26 crore as on 1.4.2011 is still outstanding against Nagaland. The situation is unacceptable and needs urgent action on the part of department of Power, Government of Nagaland.

5. We direct the respondent to liquidate the entire UI dues by 30.4.2011. We also direct the Secretary to the Government of Nagaland in charge of Department of Power to personally ensure that the outstanding UI dues are liquidated by the above date."



2. The respondent in its reply dated 10.5.2011 has submitted that extraordinary effort has been made by the competent authorities to liquidate the outstanding UI dues. However, processing of the case through the various channels in the Government involves considerable time. The respondent has prayed for time till 31.5.2011 as the last and final chance for liquidating the UI dues. It has been submitted that non-payment of UI dues by the respondent was on account of circumstances beyond its control and was neither wilful nor deliberate.

3. The representative of the respondent reiterated the above position during the hearing of the petition.

4. We have considered the submission of the respondent. The details of outstanding UI dues and the payment made by the respondent after initiation of the suo-motu proceedings is as under:

(₹ in lakh)

Months	UI outstanding at the beginning of the months	Amount paid during the month	Amount outstanding at the end of the month
October 2010	1616.39	0.00	1616.39
November 2010	1683.205	803.999	879.206
December 2010	1201.946	40.395	1162.551
January 2010	1576.737	878.988	697.750
February 2011	917.440	0.00	917.440
March 2011	1233.521	7.856	1225.665
April 2011	1384.084	194.540	1189.545

5. From the above, it is evident that as on 1.5.2011, the amount of outstanding UI dues against the respondent stood at ₹ 11.89 crore . It emerges that the respondent has not complied with the directions of the Commission to liquidate the UI dues.

6. In our order dated 25.4.2011, we had directed Secretary, Department of Power, Government of Nagaland to personally ensure that UI dues are liquidated. Since an amount of ₹ 11.89 crore is still outstanding against Nagaland as on 1.5.2011, we direct Secretary, Department of Power, Government of Nagaland to personally appear before us on the next date of hearing to explain the reasons of non-compliance of our order dated 25.4.2011. It is clarified that the notice for personal appearance shall be dispensed with if entire outstanding UI dues including the current dues are liquidated by 10.6.2011.

7. List this matter on 16.6.2011 for further directions.

8. Officer-in-charge of NERDLC 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

