

CENTRAL ELECTRICITY REGULATORY COMMISSION
New Delhi

Record of Proceedings

Petition No.248/2010

Subject: Petition under Section 79 of Electricity Act 2003 praying for direction to Uttar Pradesh Power Corporation Limited (UPPCL) for payment of compensation amount to M.P.Power Trading Company Limited (MPPTCL) due to retention of MPs share of power/non supply of it from Rihand and Matatila Hydel Power stations, to MPSEB.

Date of hearing: 21.6.2011

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

Petitioner: Madhya Pradesh Power Trading Company Limited, Jabalpur

Respondent: Principal Secretary, Energy Department, Govt. of U.P, UPPCL, and UPJVNL.

Parties present: 1. Shri G.Umapthay, Advocate, MPPTCL
2. Shri Dilip Singh, MPPTCL
3. Shri K.K.Agrawal, MPPTCL
4. Shri S.N.Mitra, Advocate, UPPCL

The learned counsel for the petitioner submitted as under:

- (a) The matter is coming up for hearing after notice and the respondent, UPPCL has not filed its reply till date.
- (b) Referring to pages 71, 72 and 110 of the petition, the learned counsel submitted that UPPCL by its letter dated 19.7.2010 has admitted that the compensation amount payable to the petitioner was ₹134.31 crore and that the disputed amount was only ₹79.377 crore on account of the applicable RAPP rate.
- (c) The Commission may direct UPPCL to pay the petitioner the admitted compensation amount of ₹134.31 crore at the earliest and to file its reply as regards the disputed amount of ₹79.377 crore.

2. The learned counsel for the respondent, UPPCL submitted as under:

- (a) Against the order of the Commission dated 12.11.2008 in Petition No. 107/2007, an appeal has been filed before the Appellate Tribunal for Electricity (Appeal No.151/2008) and judgment has been reserved by the Tribunal on 18.1.2011.

(b) In the said appeal, the respondent has challenged the findings of the Commission as regards the payment of compensation to the petitioner for the retention of M.Ps share of power/non-supply of power from its hydel generating stations (Rihand and Matatila).

(c) Time may be granted to file reply in the matter.

3. On a specific query by the Commission as to whether any interim order of stay has been granted by the Tribunal in the said appeal, the learned counsel for respondent, UPPCL replied in the negative.

4. The Commission accepted the prayer and directed the respondent, UPPCL to file its reply on affidavit, with advance copy to the petitioner, on or before 28.6.2011. Rejoinder, if any, by 4.7.2011.

5. Based on the reply to be filed, a view would be taken by the Commission as regards further hearing in the matter.

Sd/-
(T. Rout)
Joint Chief (Law)