

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Miscellaneous Petition No. 172/2011**

**Coram: 1. Dr. Pramod Deo, Chairperson  
2. Shri V.S.Verma, Member  
3. Shri M.Deena Dayalan, Member**

**[Date of Hearing: 22.11.2011]**

**[Date of Order: 29.11.2011]**

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**In the matter of**

Petition under Regulation 44 of the Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2009 for waiver of interest portion against payable arrears/dues by APDISCOMs/APTRANSCO to NLC TPS-II (Stage-I & Stage-II) for the period from 1.4.2009 to 31.5.2011 as per Commission's order dated 27.6.2011 in Petition No. 231/2009 filed by NLC.

**And in the matter of**

1. Transmission Corporation of Andhra Pradesh Ltd, Hyderabad
2. AP Eastern Power Distribution Company Ltd, Visakhapatnam
3. AP Southern Power Distribution Company Ltd, Tirupati
4. AP Northern Power Distribution Company Ltd, Warangal
5. AP Central Power Distribution Company Ltd, Hyderabad

Vs

**...Petitioners**

Neyveli Lignite Corporation, Chennai

**...Respondent**

**Present:**

1. Shri B.Bhanu Prasad, APDISCOMS
2. Shri C.Mohan Chander, APDISCOMS

**ORDER**

The petitioners have filed this miscellaneous application with the following prayers:

- (a) *To consider for waiver of interest claim for the period from 1.4.2009 to 31.5.2011 to be done to NLC on account of payable differential amounts by APDISCOMs/APTRANSCO due to upward revision tariff, as per CERC's orders dated 27.6.2011 in Petition no. 231/2009.*

*(b) Respondent may be advised to make the arrears/dues claim from the Petitioners in 12 equal bimonthly instalments.*

*(c) To pass any order which are deemed to be fit.*

2. In the petition, the petitioners have submitted that in terms of the order of the Commission dated 27.6.2011 in Petition No.231/2009 determining the tariff in respect of NLC TPS, Stage-I and Stage-II ('the generating station') for 2009-14, the petitioners have to pay arrears/dues amounting to ₹300 crore to the respondent, on account of upward revision of the annual fixed charges and variable charges for the period from 1.4.2009 to May, 2009, and that it would be an exorbitant financial burden on them to make the said payment within six months along with simple interest in terms of Regulation 5 of the Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2009 (the 2009 regulations). It has also submitted that the respondent has got profits in every financial year and in terms of the orders of the Commission, the return on equity at 15% per annum works out to ₹59.00 crore for 2009-10 for the generating station and that there would be no financial loss on account of waiver of interest portion of the arrears. The petitioners have further submitted that the interest portion payable to the respondent would have to be obtained by it through Fuel Price Adjustment claims for the consumers or through subsidy from the State Government of Andhra Pradesh, if its agrees. Thus, in terms of the above, the representative of the petitioners, during the hearing has prayed that the Commission in exercise of its 'Power to relax' under Regulation 44 of the 2009 regulations, direct/advise the respondent not to claim interest on the arrears /dues payable by it to the respondent and the Commission to consider the said payment of arrears/dues by the petitioners in 12 bimonthly equal instalments.

3. Heard the representative of the petitioner. Admit. Issue notice.

4. The petitioner is directed to serve copy of the application on the respondent, latest by 30.11.2011, if not already done. The respondent may file its reply by 14.12.2011, with advance copy to the petitioners, who may file its rejoinder, if any, by 21.12.2011.

5. Matter to be listed for hearing on 27.12.2011.

**Sd/-**  
**[M.DEENA DAYALAN]**  
**MEMBER**

**Sd/-**  
**[V.S VERMA]**  
**MEMBER**

**Sd/-**  
**[DR. PRAMOD DEO]**  
**CHAIRPERSON**