

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 32/2012 (Suo-motu)

Coram

**Dr. Pramod Deo, Chairperson
Shri V.S.Verma, Member
Shri M.Deena Dayalan, Member**

DATE OF HEARING: 15.3.2012

DATE OF ORDER: 4.5.2012

In the matter of

Non-compliance of para 10 of order dated 26.12.2011 in Petition No. 213/MP/2011 by Tripura State Electricity Corporation Ltd, Agartala.

And

In the matter of

Tripura State Electricity Corporation Ltd, Agartala

Respondent

Following was present:

Shri Rakesh Prasad, PGCIL

ORDER

The Commission vide its interim order dated 26.12.2011 in Petition No. 213/MP/2011 had observed as under:

"10. We have considered the submission of the petitioner. Non-payment of transmission charges or partial payment of transmission charges by the DICs for the transmission services availed by them is a matter of grave concern as it will sooner or later cripple the financial viability of the petitioner and other inter-State transmission licensees. It will bring to a standstill the entire regulatory mechanism which has been evolved and put in place in order to supply safe, reliable and quality power to the consumers and will act as a



dampener to the investment in the transmission sector which the country needs keeping in view the power requirement in future. This Commission which has been vested with the function to regulate the inter-State transmission of electricity has the mandate of the Parliament to ensure that inter-State transmission is regulated in a smooth and efficient manner and is not crippled on account of non-payment or partial payment of transmission charges. We direct all DICs to make timely payment of transmission charges and other charges to the petitioner in accordance with the bills raised by the CTU. Our direction will not be applicable in the Order in case of Odisha and West Bengal where the High Courts have allowed the DICs in those States to pay at the old rates till the disposal of the writ petitions."

2. While disposing of Petition No. 213/MP/2011, the Commission vide order dated 25.1.2012 had further observed as under:

*"17. We had directed the DICs in our order dated 26.12.2011 to make timely payment of transmission charges and other charges to the petitioner in accordance with the bills raised by the CTU. Despite our directions, some of the DICs have not made payments to the CTU. Except in cases where the matter regarding the amount due for payment is **sub judice** before the High Courts or Supreme Court or this Commission, we direct the staff to process the case for non-compliance of directions of the Commission by the defaulting DICs on account of non-payment of transmission charges and other charges."*

3. It was noticed from the report submitted by Power Grid Corporation of India that a sum of ₹ 71 lakh including surcharge was outstanding against Tripura State Electricity Corporation Ltd as on 8.2.2012 in regard to transmission charges beyond 60 days .

4. Accordingly, the Commission in its order dated 22.2.2012 had directed the respondent to show cause as to why action Section 142 of the Electricity Act, 2003 shall not be initiated against him for non compliance of order dated 26.12.2011 in regard to timely payment of

transmission charges and other charges in accordance with the bills raised by the Central Transmission Utility.

5. The respondent vide its affidavit dated 15.3.30212 has submitted that after payment of ₹ 4.92 crore, no outstanding bills are pending against it.

6. During the course of hearing, the representative of the PGCIL submitted that the respondent had paid the outstanding amount.

7. Based on the above, we consider it appropriate to close the proceedings and discharge the Tripura State Electricity Corporation Ltd. of the notice issued vide Commission's order dated 22.2.2012.

8. With this Petition No. 32/2012 stands disposed of.

Sd/-

(M.DEENA DAYALAN)
MEMBER

sd/-

(V.S.VERMA)
MEMBER

sd/-

(Dr. PRAMOD DEO)
CHAIRPERSON