

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

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

Date of hearing: 14.2.2012

Petition No.172/MP/2011

Subject: Miscellaneous petition under Regulation 44 'Power to Relax' of the CERC (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 and Stage-II) for the period from 1.4.2009 to 31.5.2011 as per Commission's order dated 27.06.2011 in Petition No. 231/2009 filed by NLC.

Petitioner: Transmission Corporation of Andhra Pradesh Limited, Hyderabad and 4 others.

Respondent: Neyveli Lignite Corporation (NLC), Chennai.

Parties present: Shri C.Mohan Chander, APTRANSCO/APDISCOMS
Shri R.Suresh, NLC

Record of Proceedings

During hearing, the representative of the petitioner reiterated the submissions made during the hearing on 22.11.2011. He also submitted that the burden on the beneficiaries would have been less had the respondent claimed the amounts in terms of the 2009 Tariff Regulations from 1.4.2009. The representative further submitted that the question of availing rebate on Income tax payment has been taken up with the respondent through various correspondences. He also submitted that since the Commission had allowed the payment of arrears by six installments within six months by *suo motu* order dated 26.8.2011, the interest on such payments may be waived. He further prayed that the Commission may consider the prayer of the petitioner keeping in view the heavy financial burden on the utilities and that recovery of the same from its consumers would be difficult.

2. The representative of the respondent submitted that provisional billing was made in terms of Regulation 5(3) of the 2009 Tariff Regulations, since tariff of the generating station had not been determined at that point of time. He also submitted that the petitioner ought to have factored in the said payments to the respondents in the ARR petition submitted before the State Regulatory Commission for consideration. The representative submitted that the respondent was entitled to the said payment of arrear amounts with interest, in terms of the provisions of the 2009 Tariff Regulations and the prayer of the petitioner be rejected.

3. The Commission after hearing the matter, reserved its order in the petition.

By order of the Commission

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