

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 137/MP/2011**

Subject : Petition under section 79 (1) (f) of the Electricity Act, 2003 for recovery of ₹ 6.45 crore along with interest thereon related to recovery of fixed charges on account of Regulation of power supply in the month of October, 1998.

Date of hearing : 20.9.2012

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

Petitioner : NTPC Limited

Respondents : West Bengal State Electricity Distribution Company Ltd.  
Kolkata  
Damodar Valley Corporation, Kolkata

Parties present : Shri M.G. Ramachandran, Advocate, NTPC  
Shri Rohit Chhabra, NTPC  
Shri Ish Paul Uppal, NTPC

**Record of Proceedings**

Learned counsel for the petitioner submitted that the present petition has been filed for adjudication of its claim against WBSEDCL and DVC for payment of the fixed charges of ₹ 6.45 crore on account of regulation of supply of power to these entities in the month of October, 1998. He further submitted WBSEDCL and DVC are regulated entities and as per the Commission's order dated 30.9.2008 and Appellate Tribunal for Electricity Judgment dated 18.1.2011 NTPC is not entitled to recover claim from non-regulated entity on the basis of drawal. However, NTPC is entitled to recover the claim from the regulated entities.

3. After hearing the learned counsel for the petitioner, the Commission admitted the petition and directed issue of notice to the respondents who shall

file their replies by 10.10.2012 and the petitioner to file its rejoinder, if any, by 23.10.2012.

4. The petition shall be listed for hearing on 30.10.2012.

By order of the Commission

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