

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

**Petition No. 2/RP/2011
In Petition No. 126/MP/2011**

Sub: Review of the order dated 28.11.2011 in Petition No. 126/MP/2011-Petition for short-term open access/transmission charges of Uttar Pradesh payable by the petitioner for utilizing the transmission network of the State of Uttar Pradesh while availing inter-State Short Term Open Access through bilateral transactions.

Date of hearing : 31.5.2012

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

Petitioner : Noida Power Company Limited, Noida

Respondents : U.P. Power Transmission Corporation Limited (UPPTCL)
and Others

Parties present : Shri M.G.Ramchandran, Advocate for the petitioner
Shri S.Ganguly, NPCL
Shri Sunil Arthendumuuli, Advocate for UPPTCL
Shri B.K.Saxena, UPPTCL
Shri Sanjeev Bhasker, UPPTCL
Shri Taruna A.Prasad, UPPTCL
Miss Joyti Prasad, NLDC

Record of Proceedings

Learned counsel for the petitioner submitted that the Commission in its order dated 28.11.2011 has not dealt with the interest issue though it was specifically raised by the petitioner and is admittedly payable under Section 62 (6) of the Electricity Act, 2003. He further submitted that the Section 62 (6) of the Act provides that 'if any licensee or a generating company recovers a price or charge exceeding the tariff determined under this section, the excess amount shall be recoverable by the person who has paid such price or charge along with interest equivalent to the bank rate without prejudice to any other liability incurred by the licensee'.

2. The learned counsel for the UPPTCL submitted that apart from interest issue, Commission in its order 28.11.2011 has overlooked various issues. The Commission observed that these issues are based on merit and are outside the scope of the review petition.

3. Order in the petition was reserved.

By Order of the Commission

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