

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 238/SM/2012

Coram:

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

Date of Hearing: 20.11.2012

Date of Order: 13.2.2013

In the matter of

Default in payment of Unscheduled interchanges (UI) charges for the energy drawn in excess of the drawn schedule by Tripura State Electricity Corporation Ltd, Banamalipu.

**And
In the matter of**

1. Tripura State Electricity Corporation Ltd, Banamalipu.
2. Chairman-cum-Managing Director, Tripura State Electricity Corporation Ltd, Banamalipu. **...Respondents**

Following were present:

1. Shri Arup Chaudhari, TSECL
2. Shri S.S.Barpanda, NLDC
3. Mss Joyti Prasad, NLDC

ORDER

The Commission vide its order dated 17.10.2012 had directed as under:

"From the above facts, it emerges that the respondents have not complied with the provisions of the UI Regulations. The first respondent is directed to liquidate the entire outstanding UI payable including the current outstanding dues by 31.10.2012. Chairman-cum-Managing Director, Tripura State Electricity Corporation Ltd is directed to personally ensure liquidation of the outstanding amount by 31.10.2012. If the outstanding UI dues are not liquidated by the



said date, the respondents are directed to show cause, latest by 9.11.2012, as to why action under Section 142 of the Electricity Act, 2003 should not be taken against it for non-compliance of the provisions of the UI Regulations in regard to timely payment of UI charges and directions of the Commission."

2. The respondents in their reply affidavit dated 16.11.2012 have submitted that overall TSECL is found in the status of receivable from pool after adjustment of payable to UI pool. The present net receivables amount from pool is ₹ 7 crore after adjustment of payable amount with surcharge accrued. Despite being in a position of receivable, the respondents have paid the entire amount of outstanding of ₹ 4.94 crore to NERLDC on 31.10.2012 in compliance with the Commission's directions. The respondents have requested to pass the appropriate order to ensure timely payment of amounts receivables by the utilities like TSECL.

3. During the course of hearing on 20.11.2012, the representative of the respondents confirmed that the outstanding UI dues have been liquidated. It was further submitted that an amount of ₹ 12.00 crore approximately is receivable by TSECL. He further submitted that since Regulation 10 of UI Regulations provides for payment of receivable amount to the entities within two working days of receipt of the payment in pool account fund, NERLDC be directed to ensure payment of receivable to TSECL. He further submitted that TSECL had opened LC of ₹ 11.83 lakh based on declared value by NERLDC and therefore, the same should not be considered insufficient based on the then average payable weekly UI liability.

4. The Commission vide record of proceedings dated 20.11.2012, directed the NERLDC to file its reply on the issues raised by the respondents during the course of

the hearing. NERLDC in its reply dated 19.12.2012 has confirmed that the respondents have paid ₹ 4.94 crore on 31.10.2012. NERLDC has further confirmed that subsequent to the receipt of payments from Eastern Region, the receivable amounts are disbursed to TSECL and outstanding receivable by TSECL from the pool was ₹ 1.64 crore as on 15.12.2012.

5. NERLDC further explained reason for asking TSECL to open LC for an enhanced amount. NERLDC has also submitted that Regulation 10 (4) of the UI Regulations does not require the RLDC to give advice to the constituents regarding the opening of LC or the amount of LC.

6. The question of default in opening of LC has been dealt within Petition No. 172/SM/2012. We direct the staff to examine the submission of the respondents and NERLDC regarding opening of LC in the said petition.

7. Since the respondents have liquidated the UI payments by 31.10.2012 as directed by the Commission, we discharge the notice under Section 142 of the Electricity Act, 2003 against the respondents.

8. The petition is disposed of with the above.

Sd/-	sd/-	sd/-	sd/-
(M.Deena Dayalan) Member	(V.S.Verma) Member	(S.Jayaraman) Member	(Dr. Pramod Deo) Chairperson