

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Coram:
Shri Gireesh B.Pradhan, Chairperson
Shri M Deena Dayalan, Member
Shri A.K.Singhal, Member

Date of Hearing: 7.1.2014

Date of Order: 2.7.2014

Petition No. 143/MP/2013
with
I.A. Nos. 38/2013 and 3/2014

In the matter of

Petition seeking payment of the Unscheduled Interchange payable to the petitioner from the Northern Region Unscheduled Interchange Pool Account Fund.

And
in the matter of

Tata Power Delhi Distribution Limited
NDPL House lines, Kingsway Camp,
Delhi-110 009

Petitioner

Vs

1. National Regional Load Despatch Centre
18-A, Shaheed Jeet Singh Sansanwal Marg,
Katwaria Sarai, New Delhi- 110 016

2. Northern Regional Power Committee
18-A, Qutab Institutional Area, Shaheed Jeet Singh Marg,
Katwaria Sarai, New Delhi- 110 016

3. Principal Secretary
Power Development Department,
Civil Secretariat, Jammu

4. Chairman & Managing Director
Punjab State Power Corporation Ltd.,



The Mall, Patiala, Punjab-147 001

5. Managing Director/Chief Engineer (Power Purchase)
Uttar Pradesh Power Corporation Ltd.,
Shakti Bhawan, 14, Ashok Marg,
Lucknow-226 001

Respondents

Petition No. 282/MP/2013

In the matter of

Petition seeking payment of the Unscheduled Interchange payable to the petitioner from the Northern Region Unscheduled Interchange Pool Account Fund.

**And
in the matter of**

BSES Yamuna Power Limited
Shakti Kiran Building,
Karkardooma, Delhi

Petitioner

Vs

1. National Regional Load Despatch Centre
18-A, Shaheed Jeet Singh Sansanwal Marg,
Katwaria Sarai, New Delhi- 110 016

2. Northern Regional Power Committee
18-A, Qutab Institutional Area,
Shaheed Jeet Singh Marg,
Katwaria Sarai, New Delhi- 110 016

3. Delhi Transco Limited
Shakti Sadan, Kotla Marg,
New Delhi-110 002

Respondents

Parties Present:

Shri Gopal Jain, Advocate, TPDDL
Shri Alok Shankar, Advocate TPDDL
Shri Kaushik Lalit, Advocate TPDDL
Shri Ashis Kumar Dutta, TPDDL
Shri Ajit Warriar, Advocate, BYPL



Shri Aashish Gupta, Advocate, BYPL
Shri Dushyant Manocha, Advocate, BYPL
Shri Salmon Choudhari, Advocate, BYPL
Shri Rajiv Srivastava, Advocate, UPPCL
Ms. Supriya Singh, NRLDC
Shri H.K. Chawla, NRLDC
Shri Raju Verma, DTL
Shri Darshan Singh, DTL
Shri Anil Pal, DTL
Shri Surendra Kumar

ORDER

These two petitions pertain to payment of outstanding UI dues and are accordingly disposed of together.

Petition No.143/MP/2013

2. The petitioner, Tata Power Delhi Distribution Limited (TPDDL) has filed present petition seeking directions to all the constituents of the Northern Regional Grid to clear outstanding dues towards Unscheduled Interchange Pool Account Fund. The petitioner has made the following prayers, namely:

- "(a) Direct all the constituents of the Northern Regional Grid to clear outstanding dues towards the Unscheduled Interchange Charges Pool Account Fund;*
- (b) Direct release of monies due to the petitioner as per the CERC UI Regulations along with interest payable in accordance with the payment mechanism contained in the CERC UI Regulations, 2009; and*
- (c) Pass any or such further order or orders as may be deemed just and proper in the facts and circumstances of this case."*



3. TPDDCL has submitted that pursuant to the unbundling of the erstwhile Delhi Vidyut Board, Delhi Electricity Regulatory Commission vide its order dated 31.3.2007 re-assigned the existing PPAs with Delhi Transco Limited to the distribution licensees of Delhi, namely, Tata Power Delhi Distribution Company Limited (TPDDL), BSES Rajdhani Power Limited (BRPL) and BSES Yamuna Power Limited (BYPL) as per their load profile. From 1.4.2007 onwards, entire responsibility for arranging power for their respective areas of distribution was vested with the respective Discom.

4. The Central Electricity Regulatory Commission (Unscheduled Interchange charges and related matters) Regulations, 2009 as amended from time to time (UI Regulations) provides that UI charges are payable for over-drawal by the buyer or the beneficiary and under injection by the generator or seller and receivable for under-drawal by the buyer or the beneficiary and over-injection by the generating station or the seller. UI Regulations further provides that Regional Power Committees are required to compute the charges for over-drawal/under-injection and under-drawal/over-injection of electricity in accordance with the methodology used for preparation of Regional Energy Accounts. As per Regulation 10 of the UI Regulations, payment of UI charges which enjoys highest priority shall be made within 10 days of the issue of the UI statement by the Regional Power Committee and for delay in payment beyond 12 days, the defaulting entity shall be liable to pay interest @ 0.04% per day. The petitioner has submitted that some of the beneficiaries in violation of the Grid code failed to open a Letter of Credit and to



clear their respective obligations in accordance with the UI Regulations. The petitioner is stated to have taken up the matter in the Commercial Sub-committee meeting on 28.6.2012 and 27.2.2013, in the Grid Coordination Committee meeting on 8.3.2013 and in the NRPC meeting held on 25.4.2013. The petitioner has submitted that as a result of non-payment by the defaulting constituents, the legitimate dues of the petitioner towards principal amount dues and interest accrued thereon have remained unpaid resulting in undue financial hardship to the petitioner. Accordingly, the petitioner has prayed for a direction to the constituents of Northern Regional Grid towards the UI charge pool account as also a direction to the NRLDC to release the money due to the petitioner in accordance with the UI Regulations.

5. The petitioner has also filed I.A.Nos. 38/2013 and 3/2014 seeking direction to DTL to disburse/release/liquidate the outstanding UI dues to it and provide details of the payments made till date.

Petition No. 282/MP/2013

6. BSES Yamuna Power Limited (BYPL) has submitted that approximately ₹ 212 crore is outstanding to be paid to BYPL as on 11.9.2013 from the UI Pool account fund. The petitioner has submitted that on account of non-payment of outstanding UI charges, the petitioner is suffering grave financial crises and is unable to clear the dues of the generators. The petitioner has prayed for direction to



NRLDC to disburse the dues of the petitioner towards UI charges from the UI Pool account fund along with applicable interest thereon.

7. NRLDC vide its affidavit dated 21.12.2013 has submitted that upon receiving the payments of ₹ 950 crore, ₹ 50 crore and ₹ 25 crore from UPPCL on 29.10.2013, 30.10.2013 and 31.10.2013 respectively and ₹ 71.99 crore from J & K, it has released the amount of ₹ 363.76 crore to DTL and there is no outstanding receivable by DTL from NR UI Pool Fund as on 4.11.2013. NRLDC has filed the reconciliation Statement of UI account as on 13.1.2014 as under:

Previous balance	: ₹ 25, 297,053,805
Total UI payable to Pool as per the NRPC bills	: ₹ 803,378,280
Total UI paid to pool a/c	: ₹ 11,907,768,672
Total UI receivable from as per NRPC bills	: ₹ 523,227,506
Total UI disbursed from pool a/c	: Nil
UI Balance as on date	: ₹ 13,669,435,907

8. NRLDC vide its affidavit dated 21.12.2013 has submitted that UI Pool Account Fund of Northern Region is being maintained and operated by NRLDC in accordance with UI Regulations and regional entities of NR are the members of the said pool. Since DTL is the regional entity for the State control area of Delhi, DTL has to maintain the UI accounts for the intra-State entities within its control. TPDDL BYPL are a distribution companies and are embedded intra-State entities within the State control area of Delhi. The accounts of State Control Area Delhi are maintained by SLDC, Delhi and if any dispute arises between SLDC Delhi and the distribution companies, the petitioner should approach the Delhi Electricity Regulatory Commission which is the appropriate Commission in this regard.



9. Delhi Transco Limited (DTL) dated 16.1.2014 in Petition No.143/MP/2013 has submitted that in so far delay is concerned, it is generally in UI receivable position from the UI pool account. However, some of the utilities of intra-State UI account are also payable utilities and the amounts received from NRLDLC and payable utilities are disbursed to receivable utilities based on the intra-State UI account issued by SLDC, Delhi. DTL has further submitted that in so far as NRLDC is concerned, it has cleared all the payments which has been settled amongst the receivable utilities of intra-State entities. DTL has further submitted that it has settled interest payment received from NRLDC to various utilities. DTL has submitted that an amount of ₹92,79,07,086 is payable by BRPL. Though the substantial amount of the outstanding dues of the receivable utilities have been cleared/adjusted, the entire outstanding could be cleared only after the paying utility (i.e. BRPL) clears the outstanding dues. DTL is stated to have informed DERC about the position of intra-State UI.

10. With regard to payment of BYPL, DTL in its affidavit dated 23.1.2014 filed in Petition No. 282/MP/2013 has submitted as under:

"17. With regard to the payment of BYPL, the position is as under:

- | | | |
|-------|---|-----------------------|
| (i) | On 30.10.2013, an amount received from NRLDC | = ₹ 328.1039276 crore |
| (ii) | Amount pertaining to BYPL | = ₹ 158.3467375 crore |
| (iii) | Additional amount payable to BYPL as interest | |
| (iv) | amount of UI payment for period 2011-12 and 2012-13 | = ₹ 21.1725632 crore |
| (v) | Total payable to BYPL | = ₹ 179.17 crore |

The above amount is deemed to be paid to BYPL as per the advice of Govt. of NCT of Delhi by adjusting the amount against the outstanding payments owed by BYPL of IPGCL, PPCL and DTL as under:



IPGCL	₹	50 crore
PPCL	₹	30 crore
DTL	₹	99.17 crore
Total	₹	179.17 crore

All the other payment w.r.t. UI to BYPL has been diverted to PPCL since July 2013 against its liabilities vide the advice Govt. of NCT Delhi."

11. We have considered the submissions of the parties. In both these petitions, the petitioners have sought directions to NRLDC to settle the outstanding dues from the UI Pool Account of Northern Region. From the submissions of NRLDC, it is noted that the outstanding dues owed to DTL/distribution companies of Delhi could not be settled earlier as other constituents of Northern Region such as UP, Punjab and J&K, etc. had not cleared the UI dues outstanding against them. After payment of UI dues by these States, NRLDC has cleared all outstanding dues of DTL which has also been acknowledged by the latter. DTL has submitted that it has substantively settled the outstanding dues of the distribution companies of Delhi. However, on account of non-payment of outstanding intra-State UI dues by BRPL, the entire outstanding dues of other distribution licensees have not been settled.

12. In our view, the prayers of the petitioners for directions to NRLDC no more survives as the entire UI dues payable to DTL have been settled by NRLDC. The dispute regarding non-payment of UI dues by some of the intra-State entities to DTL and consequently, non-settlement of the dues of other distribution licensees of Delhi does not fall within the jurisdiction of this Commission. The petitioners are at liberty to approach DERC for appropriate relief in accordance with law if so advised.

13. Petition No. 143/MP/2013 along with IA Nos. 38/2013 and 3/2014 and
Petition No. 282/MP/2013 disposed of in terms of above.

Sd/-

(A.K.Singhal)
Member

sd/-

(M Deena Dayalan)
Member

sd/-

(Gireesh B.Pradhan)
Chairperson

