

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 173/MP/2019**

Subject : Petition under Section 79 (1)(b), 79(1)(f) and 79(1)(k) of the Electricity Act, 2003 read with Articles 8.3.5, 8.4.3 and 8.4.11 of the PPA dated 23.8.2013 and the amended PPA dated 10.12.2013 executed between the Petitioner and the Respondent seeking payment of the outstanding amount on account of (i) late payment surcharge; (ii) additional interest, and for furnishing of Stand by Letter of Credit as Payment Security Mechanism.

Petitioner : Bharat Aluminium Company Limited

Respondents : Tamil Nadu Generation and Distribution Corp. Ltd. and Anr.

Date of Hearing : 22.8.2019

Coram : Shri P. K. Pujari, Chairperson  
Dr. M. K. Iyer, Member  
Shri I. S. Jha, Member

Parties Present : Shri Hemant Singh, Advocate, BALCO  
Shri Nishant Kumar, Advocate, BALCO  
Ms. Soumya Singh, Advocate, BALCO  
Shri S. Vallinayagam, Advocate, TANGEDCO

**Record of Proceedings**

Learned counsel for the Petitioner submitted that the present Petition has been filed seeking, *inter alia*, direction to the Respondent, TANGEDCO to make payment of Rs. 46.83 crore towards Late Payment Surcharge and to furnish the Stand by Letter of Credit in terms of the PPA. Learned counsel requested the Commission to issue notice to the Respondents.

2. Learned Counsel for the Respondent, TANGEDCO accepted the notice and requested for time to file reply to Petition.

3. After hearing the learned counsels for the Petitioner and TANGEDCO, the Commission admitted the Petition and directed to issue notice to the Respondents.

4. The Commission directed the Petitioner to serve the copy of the Petition on the Respondents, if not served already. The Respondents were directed to file their replies by 16.9.2019, with an advance copy to the Petitioner, who may file its rejoinder, if any, by 5.10.2019. The Commission directed that the due date of filing of replies and rejoinder should be strictly complied with. No extension shall be granted on that account.



5. Learned counsel for the Petitioner prayed to direct the Respondent, TANGEDCO to pay 80% of the outstanding amount towards Late Payment Surcharge. The Commission declined to issue direction in this regard without hearing the parties.

6. The Petition shall be listed for hearing in due course for which separate notice shall be issued to the parties.

**By order of the Commission**

**sd/-**  
**(T.D.Pant)**  
**Deputy Chief (Law)**

