

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 158/MP/2019

Subject : Petition under Section 79(1)(b) read with Section 79(1)(f) of the Electricity Act, 2003 seeking a declaration that the deductions made by the Respondents towards penalty imposed and capacity charges from the bills raised by the Petitioner for the months of December, 2018, January, 2019 and February, 2019 is illegal and wrongful and a consequent direction to the Respondents, to jointly and severally, pay the deducted/withheld amounts against the bills raised for the month of December, 2018, January, 2019 and February, 2019, i.e. penalty imposed and unpaid capacity charges.

Petitioner : Adhunik Power and Natural Resources Limited (APNRL)

Respondents : Tamil Nadu Generation and Distribution Corporation Limited and Anr.

Date of Hearing : 12.2.2020

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

Parties present : Shri Deepak Khurana, Advocate, APNRL
Shri Vineet Tayal, Advocate, APNRL
Shri Smarajit Sahoo, Advocate, APNRL
Shri Vishrov Mukherjee, Advocate, PTC
Shri Rohit Venkat, Advocate, PTC
Shri S. Vallinyagam, Advocate, TANGEDCO

Record of Proceedings

Learned counsel for TANGEDCO requested for two weeks' time to file reply to the Petition.

2. Learned counsel for the Petitioner objected the same and submitted that despite repeated reminders, the Respondents, TANGEDCO and PTC are not paying the capacity charges and not opening the LC as per the PPA. Learned counsel submitted that approximately Rs. 34 crore is outstanding against TANGEDCO. The Petitioner vide its letter dated 11.12.2018 informed PTC that due to delay in making payment to the Petitioner, it is facing financial crunch. Accordingly, the Petitioner was constrained to invoke Article 8.5.2 of the PPA which provides that the Petitioner can offer 25% of the contracted capacity for sale to the third party in case PTC fails to make payment to the Petitioner in terms of the PPA.

3. Learned counsel for the Petitioner requested the Commission to direct the Respondents to pay 50% of the outstanding dues till the next date of hearing. The Commission declined to issue any direction in this regard.



4. After hearing the learned counsels for the parties, the Commission directed the Respondent, TANGEDCO to file its reply as last opportunity, by 20.2.2020 with an advance copy to the Petitioner who may file its rejoinder, if any, by 27.2.2020. The Commission directed that due date of filing the reply and rejoinder should be strictly complied with. No extension shall be granted on that account.

5. The Petition shall be listed for hearing in the month of March, 2020 for which separate notice shall be issued to the parties.

By order of the Commission

**Sd/-
(T.D. Pant)
Deputy Chief (Legal)**

