

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No.193/MP/2021**

Subject : Petition Section 79(1)(b) read with Section 79(1)(f) of the Electricity Act, 2003 *inter alia* seeking a direction to the Respondents to refund the amount wrongfully deducted by the Respondents from the Bills raised by the Petitioner and a direction to the Respondents to execute Supplementary Power Purchase Agreements under Round (iii) of Shakti Scheme before 30.9.2021

Date of Hearing : 28.6.2023

Coram : Shri Jishnu Barua, Chairperson  
Shri I. S. Jha, Member  
Shri Arun Goyal, Member  
Shri P. K. Singh, Member

Petitioner : Adhunik Power and Natural Resources Limited (APNRL)

Respondents : Tamil Nadu Generation and Distribution Corp. Ltd.  
(TANGEDCO) and Anr.

Parties Present : Shri Vineet Tayal, Advocate, APNRL  
Ms. Nishtha Wadhwa, Advocate, APNRL  
Shri Amit Griwan, APNRL  
Shri Ravi Kishore, Advocate, PTC  
Shri Dhruv Tripathi, PTC  
Ms. Anusha Nagarajan, Advocate, TANGEDCO  
Shri Rahul Ranjan, Advocate, TANGEDCO

**Record of Proceedings**

At the outset, learned counsel for the Respondent, TANGEDCO submitted that the dispute involved in the matter has already been resolved and the SHAKTI Scheme Discount as withheld is being released under the Electricity (Late Payment Surcharge and related matters) Rules, 2022.

2. Learned counsel for the Petitioner confirmed the aforesaid submission by the learned counsel for TANGEDCO and further added that the only remaining issue was the Late Payment Surcharge (LPS) thereon. Learned counsel submitted that the Petitioner has recently received a letter from PTCIL (along with a letter from TANGEDCO to PTCIL) requiring the Petitioner to raise the supplementary invoices for LPS and thus, the hearing of the matter may be deferred for four weeks. Learned counsel also added that the Petitioner, at prayer (d), has prayed for grant of LPS, as per the terms of the PPA from the date on which the amount became due to the Petitioner till the actual realization of the same.

3. In response, learned counsel for the Respondent, TANGEDCO opposed the request of the Petitioner to defer the hearing of the matter. Learned counsel submitted that the entire claim of the Petitioner was admitted under the LPSC Rules, 2022, and the Petitioner now intends to keep the petition alive for the subsequent claim of LPS for which the Petitioner has yet to even raise the supplementary invoices with the Respondents. Learned counsel suggested that both sides be permitted to file their charts indicating the details of the payments and the matter may be reserved for order.

4. Learned counsel for the Respondent, PTCIL submitted that the Petitioner's claim for LPS may give rise to a fresh/separate cause of action.

5. Learned counsel for the Petitioner indicated that the Petitioner will file a chart indicating the details of the payment and the details of supplementary invoices towards its LPS claim.

6. Considering the submissions made by the parties, the Commission directed both sides to file their respective affidavits indicating the details of the payment made and outstanding, if any, covered within the present Petition, within two weeks, with a copy to the other side.

7. Subject to the above, the Commission reserved the matter for order.

**By order of the Commission**  
**Sd/-**  
**(T.D. Pant)**  
**Joint Chief (Law)**