

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Coram:

- 1. Shri Ashok Basu, Chairman**
- 2. Shri K.N. Sinha, Member**
- 3. Shri Bhanu Bhushan, Member**
- 4. Shri A.H. Jung, Member**

Petition No.33/2005

In the matter of

Application for non-payment of Unscheduled Interchange (UI) charges by Power Development Department, Jammu & Kashmir and Uttar Pradesh Power Corporation Limited (UPPCL) under Chapter 7.1(d) of Indian Electricity Grid Code (IEGC).

And in the matter of

Delhi Transco Limited

.....Petitioner

Vs

1. Northern Regional Load Despatch Centre, New Delhi
2. Northern Regional Electricity Board, New Delhi
3. Power Development Deptt, Govt. of Jammu & Kashmir, Jammu
4. Uttar Pradesh Power Corporation Limited, Lucknow

....Respondents

The following were present:

1. Shri V.K. Malhotra, DTL
2. Shri V.K. Garg, DTL
3. Shri S.K. Soonee, ED, NRLDC
4. Shri P.K. Agarwal, CM, NRLDC
5. Ms Kavita, Engr, NRLDC
6. Shri D.D. Chopra, Advocate, UPPCL
7. Shri T.K. Srivastava, EE, UPPCL

ORDER

(DATE OF HEARING: 12.7.2005)

In this application, the petitioner has sought directions to the first respondent, Northern Regional Load Despatch Centre (NRLDC), for release of its dues together with interest, from Unscheduled Interchanges (UI) pool account. A further direction is sought to Power Development Department, Government of J&K and Uttar Pradesh Power Corporation Limited (UPPCL), respondent Nos. 3 and 4 respectively, to clear all the arrears with interest within a timeframe to be specified by the Commission.

2. It has been stated that an amount of Rs.138.72 crore as on 9.3.2005, was due to the petitioner from UI pool account operated by NRLDC on behalf of Northern Regional Electricity Board, primarily because of non-payment of UI charges by Power Development Department, Government of J&K and UPPCL. Accordingly, the petitioner seeks directions to the respondents noted above.

3. We have heard Shri V.K. Malhotra for the petitioner, Shri S.K. Soonee, Executive Director for NRLDC and Shri D.D. Chopra, Advocate with Shri T.K. Srivastava for UPPCL.

4. Shri Soonee has informed that an amount of approximately Rs.117 crore is presently due against UPPCL. Shri Srivastava undertook to deposit the amount due latest by 31.7.2005, along with interest.

5. Let the amount due be deposited by UPPCL as per the undertaking given on its behalf. It is made clear that in case of any default in making the payment, appropriate proceedings in accordance with law shall be taken by the Commission against UPPCL or the person in charge and responsible for the conduct of its business.

6. So far as Power Development Department, Govt. of J&K is concerned, it is noted that a petition (No.29/2004) was earlier filed by NRLDC for directions to make payment of dues on account of UI charges and reactive energy charges together with interest. The said petition was disposed of by the Commission by its order dated 22.2.2005 with the direction that the current dues starting from the week ending 30.1.2005 and onwards on account of UI charges and reactive energy charges would

be cleared by the State Government in accordance with the existing regulations on the subject. In this manner, no further arrears would be accumulated. As regards payment of arrears pertaining to the prior period, it was directed that the State Government would pursue the matter with the Central Government with whom the issue was pending, to address the question of settlement of arrears in expeditious and reasonable manner.

7. We have been informed that there are no new arrears against the State Government for the period after 30.1.2005, though the arrears pertaining to prior period are yet to be cleared by that Govt. In view of our earlier decision, no further directions are considered necessary at this stage, as regards Power Development Department, Government of J&K. The matter may be reviewed after six months in January 2006, for which liberty is given to NRLDC to invoke the jurisdiction of the Commission. The State Government is advised to pursue the matter diligently and should liquidate the past arrears. The State Government is further advised not to resort to overdrawl of power when the winter season sets in.

8. After the dues are deposited in the UI pool account, these will be released to the petitioner in accordance with its entitlement.

9. With the above, the petition stands disposed of.

**Sd/-
(A.H. JUNG)**

MEMBER

**Sd/-
(BHANU BHUSHAN)**

MEMBER

**Sd/-
(K.N. SINHA)**

MEMBER

**Sd/-
(ASHOK BASU)**

CHAIRMAN

New Delhi dated the 19th July, 2005