

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Coram

1. **Shri Ashok Basu, Chairman**
2. **Shri K.N.Sinha, Member**

Petition No.20/2003

In the matter of

Non-payment of Unscheduled Interchange (UI) charges by Power Development Department, Jammu and Kashmir.

And in the matter of

Northern Regional Load Despatch Centre

... Petitioner

Vs

Power Development Deptt., Govt of Jammu and Kashmir, Jammu **...Respondent**

The following were present

1. Shri Alok Roy, GM, NRLDC,
2. Shri V.K. Agarwal, AGM, NRLDC
3. Shri P.K. Agarwal, Chief Manager, NRLDC
4. Shri U.K. Tyagi, DGM, PGCIL
5. Shri C. Kannan, Chief Manager, PGCIL
6. Shri D.D. Dhayasee, PGCIL
7. Shri R.G. Yadav, ED (SO), PGCIL
8. Shri V. Mittal, AGM (SO), PGCIL
9. Shri Sunil Agrawal, DGM (SO), PGCIL
10. Shri Kartar Chand, XEN, J&K PDD

ORDER

(DATE OF HEARING 23-9-2003)

This petition has been filed for recovery of the dues from the respondent on account of Unscheduled Interchange Charges for the period from 1.12.2002 to 16.2.2003 along with interest as provided in IEGC approved by the Commission.

2. Shri Alok Roy, General Manager, appearing for the petitioner has submitted that there was a remarkable change in the pattern of drawal of electricity by the respondent, State of J&K, after the last hearing held on 25.5.2003. There was less drawal of electricity than the total allocation to the respondent in the month of June and July 2003. Thus the respondent became entitled to UI charges in the months of June and July 2003. He further submitted that even after adjustment of UI charges payable to the respondent up to August, 2003, a sum of Rs.42.25 crore was outstanding and sought a direction to the respondent for immediate settlement of the dues. Shri Roy submitted that the respondent has issued a pay advice for Rs.21 Crore in favour of the petitioner. More than a month has passed, but the treasury of the J&K Govt. has not cleared any payment against the pay advice. He further submitted that efforts made to sort out the issue at various levels with the State Government have not borne any fruit.

3. Shri Kartar Chand, Executive Engineer has appeared on behalf of the respondent. He submitted that a sum of Rs.23,22,96,000.00 was remitted to the petitioner in two installments, up to 14.8.2003. He was not aware of the status of payment of the balance of the dues. Shri Alok Roy submitted that the amount as stated by the representative of the respondent has not been received as yet. The representative of the respondent could not make any commitment as to settlement of the outstanding dues as he was not fully aware of the status of payment. We regret to record that Shri Kartar Chand has been detailed without proper briefing and as such could not render any assistance to the Commission in the case. We expect that the person detailed to attend hearing before the

Commission should be fully conversant with the facts. Otherwise, no purpose is likely to be achieved. This needs to be brought to the notice of Chief Secretary of the State.

4. The question that falls for our consideration is whether any adjustment on account of UI charges payable to the respondent be allowed. In the past we have not allowed such a concession to any other state utility. We are conscious of the prevailing situation in the state of Jammu and Kashmir and the efforts being made by the State Government in containing the unwarranted situation. On consideration of peculiar circumstances prevailing in the State of Jammu and Kashmir, as a special case, we direct the petitioner to work out the outstanding dues after making adjustment of the claim of the respondent for UI charges. We also direct the respondent that the net amount, after adjustment of the respondent's claim shall be liquidated within one month, that is, latest by 23.10.2003. We make it clear that the concession granted to the respondent shall not be considered as a precedent.

5. List this petition on 6.11.2003.

Sd/-
(K.N. SINHA)
MEMBER

Sd/-
(ASHOK BASU)
CHAIRMAN

New Delhi dated the 23rd September, 2003