

CENTRAL ELECTRICITY REGULATORY COMMISSION

Record of Proceedings

PETITION NO. 62/2009

Sub: Miscellaneous petition under regulation 12 "Power to Remove Difficulties" and Regulation 13 "Power to relax" of the CERC (Terms and Conditions of Tariff) Regulations, 2004 for permission to bill and recover Service Tax on transmission and other charges recoverable by Govt. of India in terms of Section 64 of the Finance Act, 1994 for the period 2004-09.

Date of hearing : 5.11.2009

Coram : Dr. Pramod Deo, Chairperson
Shri R.Krishnamoorthy, Member
Shri S.Jayaraman, Member

Petitioner : Power Grid Corporation of India Ltd., Gurgaon

Respondents : Bihar State Electricity Board, Patna & Others

Parties present : Shri M.G.Ramchandran, Advocate, PGCIL
Shri U.K.Tyagi, PGCIL
Shri M.M.Mondal, PGCIL
Shri Mansoor Ali, Advocate, NDPL
Shri Bharat Sharma, NDPL

Through this petition, the petitioner, Power Grid Corporation of India Limited has sought to be permitted to bill and recover from the respondents the service tax together with education cess, interest, penalty, if any, chargeable in terms of Section 64 of the Finance Act, 1994.

2. Heard learned counsels for the parties present.

3. Learned counsel for the petitioner submitted that the matter was pending before the Central Excise/Service Tax Authorities and accordingly requested for adjournment of the matter till issue is decided by the tax authorities.

4. The Commission adjourned the matter *sine die* with liberty to the petitioner to approach the Commission if so required after a decision of the Tax authorities.

Sd/-
(T. Rout)
Joint Chief (Law)