

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 : 18.8.2009

Coram : Dr. Pramod Deo, Chairperson
Shri R.Krishnamoorthy, Member
Shri S.Jayaraman, Member
Shri V.S.Verma, 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 Umesh Chandra, PGCIL
Shri U.K.Tyagi, PGCIL
Shri M.M.Mondal, PGCIL
Shri Rakesh Prasad, PGCIL
Shri Mohd. Mohsin, PGCIL
Shri R.B.Sharma, Advocate, BSEB
Shri Mansoor Ali, Advocate, NDPL
Shri Bharat Sharma, NDPL
Shri Dharam Pal Thakur, HPSEB
Shri Nakah K. Shaska, HPSEB
Shri Vikram Bajaj, JPL
Shri Vikram Bajaj, Advocate, JPL
Shri D.Khandelwal, MPPTCL
Ms. S.P.Vyavahave, MSEDCL

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 counsel for the parties present.

3. Learned counsel for the petitioner submitted that the petitioner had received notice from the service tax authorities for payment of service tax etc. and a reply had been filed. He informed that the effort made by the petitioner, through Ministry of Power to persuade Ministry of Finance had not yielded any positive result. He further informed that all avenues will be availed of to avoid the proposal of service tax authorities to levy service tax. He also volunteered to associate any of the respondents, in the proceedings before the tax authorities
4. Learned counsel for the North Delhi Power Limited prayed for four week time to file its reply. Request was allowed.
5. Accordingly, the respondent may file its reply by 18.9.2009 with an advance copy to the petitioner, who may file its rejoinder, if any, by 30.9.2009.
6. The petition shall be re-notified on 20.10.2009.

sd/-
(K.S.Dhingra)
Chief (Law)