

CENTRAL ELECTRICITY REGULATORY COMMISSION

RECORD OF PROCEEDINGS

Petition No.88/2008 (Suo Motu)

Subject: Non -compliance of provisions of the directions of the Commission

Coram : 1. Dr. Pramod Deo, Chairperson
2. Shri R.Krishnamoorthy, Member
3. Shri S.Jayaraman, Member
4. Shri V. S. Verma, Member

Date of hearing: 30.7.2009

Respondent : PTC India Ltd, New Delhi

Parties present: Shri. Amit Kapoor, Advocate, PTC India Ltd
Shri Shrestha Sharma, PTC India Ltd

Notice under Section 142 was issued to the respondent vide Commission's order dated 2.7.2009 to show cause as to why it should not be held guilty of contravention of and non-compliance with the following direction of the Commission in its order dated 19.12.2008 and penalty under Section 142 of the Electricity Act, 2003 be not imposed on it:

"We feel that on the facts and in the circumstances of the case, ends of justice will be met if the respondent rectifies the position for the future by entering into revised PPAs with the utilities concerned in Eastern Region. We direct accordingly. A compliance of the direction shall be reported by 31.12.2008."

2. Learned counsel for the respondent submitted that in pursuance of the directions of the Commission vide its order dated 19.12.2009, the respondent has reduced the trading margin to 4 paise per kWh with effect from 1.4.2009 and the same could be verified from the periodical reports submitted by the respondent in Form IV. Besides, learned counsel informed, copies of the revised draft PPA had been forwarded to the beneficiaries in Eastern Region on 4.4.2009. He also highlighted that the above two actions were taken soon after the dismissal, by the Hon'ble Supreme Court, of the respondent's appeal. According to him, the respondent could not be held liable for the delay on the part of the beneficiaries in the Eastern Region in finalization of the revised PPA.

3. Learned counsel for the respondent submitted that the respondent had already placed on record the consent given by West Bengal State Electricity Distribution Company Ltd and Grid Corporation of Orissa for signing the revised PPAs and presented during the hearing the consent to that effect, of

Damodar Valley Corporation. He informed that the consent from the remaining three beneficiaries viz. Bihar, Jharkhand and Sikkim was awaited. The learned counsel added that consequent to the receipt of consent from the above three beneficiaries, the revised PPAs could be signed in respect of 100% of the power from Kurichhu HEP and 57.45% of the power from Chuka HEP. He requested that the respondent be given time for completing the formality of signing of the revised PPAs and placing the same on record. The respondent, in its reply sought time extension up to 15.8.2009 for submission of the revised PPAs. The Commission granted time up to 15.8.2009, as prayed for.

4. The case shall be listed for further hearing on 27.8.2009.

Sd/=
(K.S.Dhingra)
Chief (Legal