

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Coram**

1. **Shri D.P. Sinha, Member**
2. **Shri G.S. Rajamani, Member**
3. **Shri K.N.Sinha, Member**

**Review Petition NQ.124/2QQQ in  
Petition No. 54/2000**

**In the matter of**

**Petition filed by NTPC for issuance of directions to the Respondents  
for payment of outstanding dues and for making all future payments  
of monthly bills on time.**

**And in the matter of**

National Thermal Power Corporation Ltd. ... Petitioner

VS Madhya Pradesh State Electricity Board & Others

...Respondents

The following were present:

1. Shri M.G. Ramachandran, Advocate for NTPC
2. Shri K.K. Garg, GM (Comm.), NTPC
3. Shri S.K. Sharma, Sr. Mgr. (Comm.), NTPC
4. Shri Manoj Mathur.Sr.Mgr., NTPC
5. Shri S.P. Degwekar, MPSEB
6. Shri D.K. Shrivastava, MPSEB
7. Shri G.M. Patil, MSEB
8. Shri S.G. Bakshi, MSEB
9. Shri V.L. Sonavare, MSEB
10. Shri C.H. Verma, MSEB
11. Shri A.K. Padhye, MSEB
12. Shri V.H. Ghatani, GEB
13. Shri A.A. Jose, GEB

**ORDER**  
**(Date of Hearing: 20<sup>th</sup> July, 2001 at Mumbai)**  
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This application has been filed for review of order dated 8-9-2000 in petition No. 54/2000.

2. Petition No. 54/2000 was filed by the petitioner seeking directions to the respondents for payment of amounts due to the petitioner with further direction to make all future payments of monthly bills on time, and for change of methodology for apportionment of fixed charges in the event of the petitioner enforcing regulation of power supply to the respondents in default of making payments. Another direction sought by the petitioner was that the respondents should create a first charge against all their revenues to secure the amounts due to the petitioner and first charge should have precedence over the escrow arrangements for power purchase contracted by the respondents. A single petition was filed for the entire region and the consolidated amount of the outstanding dues was given in the petition. The petition was heard on 8-9-2000 for admission. On hearing the learned counsel for the petitioner, the Commission directed that separate petitions be filed for each of the stations in the region and the petitioner was further directed to incorporate the month-wise break-up of the outstanding dues for each station.

3. In the review application filed by the petitioner, it has been pointed out that the details of outstanding amounts cannot be segregated station-wise as no such

records are maintained for the past period and that all the claims of the petitioner against the respondents be allowed to be combined in single petition. The petitioner, however, has stated that w.e.f. 1<sup>st</sup> April, 1998, it is in a position to give month-wise break-up of the outstanding dues.

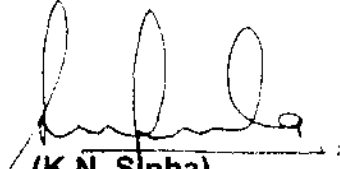
4. We admit the petition for hearing.

5. We have heard the learned counsel for the petitioner. In view of the difficulties stated by the petitioner in the review application, we feel that the earlier direction for filing of station-wise petition needs to be modified. Accordingly, We direct that the petition No.54/2000 filed for the Western region shall be taken up for hearing. As the details of month-wise outstanding dues from 1<sup>st</sup> April, 1998 are available with the petitioner, these shall be filed before the Commission, duly supported by affidavit with advance copy to the respondents.

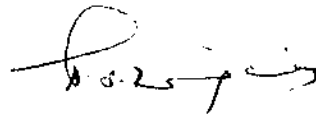
6. The petitioner is directed to serve copy of the petition No. 54/2000 on the respondents within one week if not furnished already. The respondents may file their replies to the main petition as also the affidavit directed to be filed as per para 5 above by 15<sup>th</sup> September, 2001. The petitioner may file its rejoinder, if any, within 2 weeks thereafter. Petition No.54/2000 shall be placed before the Commission on completion of pleadings for fixing the date of hearing.

7. The above directions shall not preclude the respondents from seeking any further details on matters in issue, in accordance with law.

8. With the above directions, the review application stands allowed to the extent indicated above.



**(K.N. Sinha)**  
**Member**



**(G.S. Rajamani)**  
**Member**



**(D.P. Sinha)**  
**Member**

New Delhi dated: 13<sup>m</sup> August, 2001.