

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 177 of 2011

Subject: Liquidation of arrears payments in installments in respect of provisional orders / final orders passed by the Commission granting / determining the annual fixed charges for the period 2009-14 for Central Generating Stations namely, National Hydro Power Corporation Ltd, NTPC Ltd and Transmission Licensee namely, Power Grid Corporation of India Ltd.

Petition No. 179 of 2011

Subject: Liquidation of arrears payments in installments in respect of provisional orders / final orders passed by the Commission granting / determining the annual fixed charges for the period 2009-14 for Central Generating Stations namely, National Hydro Power Corporation Ltd, Damodar Valley Corporation Ltd, NTPC Ltd. and Transmission Licensee namely, Power Grid Corporation of India Ltd.

Coram: Dr. Pramod Deo, Chairperson
Shri S.Jayaraman, Member
Shri V.S.Verma, Member
Shri M. Deena Dayalan, Member

Date of hearing: 13.12.2011

Petitioner: BSES Rajdhani Power Limited (BRPL)
BSES Yamuna Power Limited (BYPL)

Respondents: National Thermal Power Corporation (NTPC) and others

Parties present: Shri V.P. Singh, Advocate, BRPL & BYPL
Shri Sanjay Srivatsav, BRPL
Shri Dushyant Manocha, BSES
Ms. Tarunima Vijva, Advocate, BSES
Shri V.K Padha, NTPC
Shri Ajay Dua, NTPC
Shri C.K.Mondal, NTPC
Shri Rohit Chhabra, NTPC
Shri Rakesh Prasad, PGCIL

Record of Proceedings

The learned counsel appearing for the petitioner, in the above petitions submitted as under:

- (i) Efforts to arrive at an amicable settlement as regards payment of arrear amounts in installments to the respondents have not materialized.
- (ii) The respondent, NTPC has charged interest on the amounts pursuant to the provisional tariff approved by the Commission in terms of Regulation 5(4) of the 2009 Tariff Regulations, amended on 21.6.2011, which the petitioner has been forced to pay. The amounts so recovered are contrary to the said regulations and needs to be refunded or set off against future bills.
- (iii) Liberty may be granted to the petitioners to file supplementary affidavit, to bring on record some additional reliefs in the petition, based on the subsequent developments in the matter.
- (iv) The Delhi Electricity Regulatory Commission (DERC) in its tariff order has recognized a revenue gap of ₹3600 crore for BRPL and ₹2400 crore for BYPL and this revenue gap has caused the difficulty in making payments to the respondents. Hence, the Commission may relax the norms for payment of arrear amounts and grant further time for payment of arrears, along with interest as per the provisions of the 2009 Tariff Regulations.

2. The representative of the respondents, NTPC and PGCIL submitted that they may be granted liberty to make submissions in the matter, after the petitions are admitted and copy served on it.

3. The Commission observed that the additional reliefs sought for by the petitioner by its supplementary affidavit are outside the scope of the present petition, which can be considered only after amendment of the petition. Accordingly, the petitioner is directed to amend the petition incorporating the additional reliefs and file the same on or before 23.12.2011. The respondents may make their submissions, after admission of the petitions.

4. Both the petitions shall be listed for admission on 27.12.2011

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