

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 238/ 2012 (Suo-motu)**

Subject : Default in payment of Unscheduled Interchanges (UI) charges for the energy drawn in excess of the drawn schedule by Tripura State Electricity Corporation limited, Banamalipu.

Date of hearing : 20.11.2012

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

Respondents : 1. Tripura State Electricity Corporation Ltd, Banamalipu  
2. Chairman-cum-Managing Director, Tripura Sate Electricity Corporation Ltd, Banamalipu

Parties present : Shri Arup Chaudhari, TSECL  
Miss Joyti Prasad, NLDC  
Shri S.S.Barpanda, NLDC

**Record of Proceedings**

The representative of the respondents submitted that in compliance with Commission`s order dated 17.10.2012, all outstanding amount including surcharge has been liquidated on 31.10.2012. However, on the other hand, Tripura State Electricity Corporation Ltd. (TSECL) is yet to receive the accumulated receivable amount of ₹ 12.00 crore (approximately) from the UI pool account after adjustment of payable amount without surcharges accrued. However, Regulation 10 of UI Regulations provides for payment of receivable amount to the entities within two working days of receipt of the payment in pool account fund. The representative of the respondents requested the Commission to issue appropriate direction to NERLDC to ensure payment to TSECL, who has already liquidated all outstanding due on account of UI receivable as per relevant regulations in force.

2. The representative of the respondents further submitted that TSECL being one of the regional entities opened a letter of Credit (LC) on 16.11.2010 for a period of one years based on the amount calculated/assessed by NERLDC vide its letter dated

30.4.2010. The condition of LC as negotiated provides for further increase/decrease, if required in terms of the Regulation 10 (4) of the UI Regulations and receipt of confirmation from the applicant of the LC in this regard. However, Commission vide its order dated 5.11.2012 in Petition No. 172/SM/2012 had imposed penalty of ₹ Ninty thousand on the TSECL for opening of LC for insufficient amount. TSECL had opened the LC for an amount of ₹ 11.83 lakh based on NERLDC declared value and therefore, it should not be considered as an insufficient amount based on the then average payable weekly UI liability. The representative of the TSECL requested the Commission to waive the penalty imposed on TSECL.

3. The Commission directed the NERLDC to file its reply on the issues raised by the respondents during the course of hearing, latest by 21.12.2012, with an advance copy to the respondents.

4. Subject to above, Commission reserved order in the petition.

By order of the Commission

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