

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 163/MP/2012**

Subject : Petition under Section 79 (1) (f) of the Electricity Act, 2003 read with Regulation 20 of the Central Electricity Regulatory Commission (Open Access in inter-state Transmission) Regulations, 2008 towards unpaid unscheduled inter-change charges for the period from 28.8.2005 to 31.12.2006.

Date of hearing : 30.8.2012

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

Petitioner : Bhushan Power and Steel Limited, New Delhi

Respondents : GRIDCO Limited, Bhubaneswar  
Orissa Power Transmission Corporation Limited, Bhubaneswar

Parties present : Shri Sanjay Sen, Advocate for the petitioner  
Shri Rajiv Yadav, Advocate for the petitioner

**Record of Proceedings**

The petitioner, Bhushan Power and Steel Limited has filed this petition directing the respondents to release the payment of ₹ 5,75,76,584/- along with interest @ 18% per annum calculated from the due date of pending UI bills and up till the actual payment thereof.

2. Learned counsel for the petitioner submitted that UI charges receivable by the petitioner is not being paid by the respondents for the period 28.8.2005 onwards despite repeated reminders. Learned counsel submitted that Regulation 10 of the Central Electricity Regulatory Commission (Open Access in inter-state Transmission) Regulations, 2008, specify a delayed payment

surcharge in case there are delays in releasing the UI charges. Therefore, the respondents are liable to make payments of the long pending UI claims of the petitioner along with delayed payment surcharge.

3. Learned counsel for the petitioner sought permission of the Commission to implead SLDC, Orissa as party in the petition. The prayer was allowed.

4. The Commission directed to admit the petition and issue notices to the respondents. Shri R.K.Mehta accepted notice on behalf of GRIDCO.

5. Accordingly, the petitioner was directed to serve the copy of the petition on the respondents immediately. The respondents may file their response by 14.9.2012 and the petitioner may file its rejoinder, if any, by 27.9.2012.

6. The petition shall be listed for hearing on 9.10.2012.

**By order of the Commission,**

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