

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

**I.A. No. 8/2017 in
Petition No. 16/MP/2014**

Subject : Application under Section 94 (2) of the Electricity Act, 2003 read with Regulation 68 of CERC (Conduct of Business Regulations), 1999 for urgent interim orders filed on behalf of the petitioner

Petitioner : Megha Engineering and Infrastructure Limited.

Respondents : NTPC Vidyut Vyapar Nigam Limited and Others

Date of hearing : 16.2.2017

Coram : Shri Gireesh B. Pradhan, Chairperson
Shri A.K. Singhal, Member
Shri A.S. Bakshi, Member
Dr. M.K. Iyer, Member

Parties present : Shri Sanjay Sen, Senior Advocate, MEIL

Record of Proceedings

Learned senior counsel for the petitioner submitted that the present Interlocutory Application has been filed to pass an ad interim ex-parte order directing NRVNL to keep in abeyance letters dated 21.8.2015, 16.12.2016, 27.12.2016, 6.1.2017 and 16.1.2017 seeking compensation for short supply of minimum energy. Learned senior counsel further submitted that penalty under Article 4.4.1 of the PPA can only be imposed if it is established that the default is attributable to seller. Since, the issue on both law and facts is before the Commission in the main petition, NRVNL cannot indulge in such conduct where it is abusing its dominant position.

2. After hearing the learned senior counsel for the petitioner, the Commission directed to issue notice on the IA to the respondents.

3. The Commission directed the petitioner to serve copy of the IA on the respondents, if already served. The Commission directed the respondents to file their reply to the IA on affidavit, on or before 6.3.2017 with an advance copy to the petitioner who may file its rejoinder, if any by 14.3.2017. The Commission directed that the due date of filing the reply and rejoinder should be strictly complied with. No extension shall be granted on that account.

4. The I.A. shall be listed for hearing 23.3.2017.

**By order of the Commission
Sd/-
(T. Rout)
Chief (Legal)**