

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 22/MP/2019

Subject : Petition under Section 79(1)(b) read with Section 79(1)(f) of the Electricity Act, 2003 and Article 8.3 of the Power Purchase Agreement dated 19.8.2013 entered into between the Petitioner and the Respondent, for recovery of Late Payment Surcharge on account of delay in payment of Monthly Bills of the Petitioner by the Respondent.

Petitioner : DB Power Limited (DBPL)

Respondent : Tamil Nadu Generation and Distribution Corporation Ltd.

Date of Hearing : 7.5.2019

Coram : Shri P.K. Pujari, Chairperson
Dr. M.K. Iyer, Member
Shri I.S. Jha, Member

Parties present : Shri Deepak Khurana, Advocate, DBPL
Shri Vineet Tayal, Advocate, DBPL
Shri Vikas Adhia, DBPL
Shri S. Vallinayagam, Advocate, TANGEDCO
Ms. S. Amali, Advocate, TANGEDCO

Record of Proceedings

Learned counsel for the Petitioner submitted that the present Petition has been filed for recovery of Late Payment Surcharge on account of delay in payment of Monthly Bills of the Petitioner by the Respondent. Learned counsel submitted that as on date, around Rs. 95 crore is outstanding against the TANGEDCO. However, no payment has been made by TANGEDCO despite repeated requests. Learned counsel submitted that on account of non-payment by TANGEDCO, the account of the Petitioner with its lenders is on the verge of becoming non-performing assets. Learned counsel requested the Commission to direct the Respondent, TANGEDCO to pay atleast Rs. 40 crore of the outstanding dues.

2. Learned counsel for TANGEDCO requested for time to file its reply. Learned counsel submitted that due to financial crunch, TANGEDCO is not able to pay the outstanding dues. However, TANGEDCO will pay Rs. 20 crore to the Petitioner within two weeks.

3. After hearing the learned counsels for the Petitioner and the Respondent, the Commission directed the Respondent to pay Rs. 20 crore to the Petitioner on or before 17.5.2019.

4. The Commission directed the Respondent to file its reply by 24.5.2019 with an advance copy to the Petitioner, who may file its rejoinder, if any, on or before 7.6.2019.

The Commission directed that due date of filing the reply and rejoinder should be strictly complied with. No extension shall be granted on that account.

5. The Petition shall be listed for hearing in due course for which separate notice will be issued.

By order of the Commission

**Sd/-
(T.D.Pant)
Deputy Chief (Legal)**