

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 323/MP/2019

Subject : Petition under Section 79(1)(c) and (f) of the Electricity Act, 2003 seeking direction to Respondent to make payment of the Late Payment Surcharge towards Delayed Payments of Transmission Charges for the Associated Transmission System of the Kudgi Super Thermal Power Project.

Petitioner : Central Transmission Utility-Power Grid Corporation of India Limited (PGCIL)

Respondent : NTPC Limited (NTPC)

Date of Hearing : 18.12.2019

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

Parties Present : Ms. Suparana Srivastava, Advocate, PGCIL
Shri Tushar Mathur, Advocate, PGCIL
Ms. Swapna Seshadri, Advocate, NTPC

Record of Proceedings

Learned counsel for the Petitioner submitted that the present Petition has been filed, *inter-alia*, seeking direction to Respondent, NTPC Ltd. to pay the late payment surcharge of Rs.35,91,98,901/- on account of delayed payment of transmission charges payable by the Respondent for the associated transmission system of the Kudgi Super Thermal Power Station since August, 2017 and ultimately paid on 11.1.2019.

2. Learned counsel for the Respondent submitted that the Respondent has made the timely payment against the invoice raised by the Petitioner on 28.12.2018 in terms of Record of Proceedings dated 20.12.2018 in Petition No. 48/RP/2018. However, the Petitioner, vide invoice dated 21.1.2019, has sought to levy delayed payment surcharge from August, 2017 despite the Commission having held that the bills `A` raised on PoC charges are not payable by the Respondent. Learned counsel for the Respondent submitted that the present Petition deserves to be dismissed at admission stage and sought permission to file its reply.

3. In rebuttal, learned counsel for the Petitioner submitted that there was an admitted liability on the Respondent to pay the transmission charges since August, 2017 which was discharged by way of payment only in January, 2019. Learned counsel submitted that levy of delayed payment surcharge is in line with the Sharing Regulations of the Commission and Billing, Collection and Disbursement Procedure issued thereunder. Learned counsel requested to allow the Petitioner to file its rejoinder to reply filed by the Respondent.



4. Based on the request of the learned counsels for the Petitioner and the Respondent, Commission directed the Respondent to file its reply, on affidavit, by 6.1.2020 with an advance copy to the Petitioner, who may file its rejoinder, if any, by 13.1.2020. The Commission directed that the due date of filing the reply and rejoinder should be strictly complied with.

5. Subject to the above, the Commission reserved the order in the Petition.

By order of the Commission

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

