

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 424/MP/2019**

- Subject : Petition under Section 79 of the Electricity Act, 2003 for execution of the order dated 22.7.2019 passed by the Commission in Petition No. 117/MP/2017; and initiation of proceedings/appropriate action under Section 142 read with Section 149 of the Electricity Act, 2003 and Regulation 111 of the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999 against the Respondents for non-compliance of the order dated 22.7.2019 passed by the Commission in Petition No.117/MP/2017.
- Date of Hearing : 6.8.2021
- Coram : Shri P. K. Pujari, Chairperson  
Shri I. S. Jha, Member  
Shri Arun Goyal, Member  
Shri P. K. Singh, Member
- Petitioner : DB Power Limited (DBPL)
- Respondents : Tamil Nadu Generation and Distribution Corporation Limited (TANGEDCO) Limited and Anr.
- Parties Present : Shri Deepak Khurana, Advocate, DBPL  
Shri Tejasv Anand, Advocate, DBPL  
Ms. Anusha Nagarajan, Advocate, TANGEDCO  
Dr. R. Kathiravan, TANGEDCO  
Ms. R. Ramalakshmi, TANGEDCO  
Ms. R. Alamelu, TANGEDCO

**Record of Proceedings**

Case was called out for virtual hearing.

2. Learned counsel for the Petitioner, DBPL submitted that the present Petition has been filed seeking execution of the order of the Commission dated 22.7.2019 in Petition No.117/MP/2017 and initiation of proceedings/ appropriate action under Section 142 read with Section 149 of the Electricity Act, 2003 (in short 'the Act') against the Respondents for non-compliance of the aforesaid order. Learned counsel submitted that in terms of the order dated 22.7.2019, the Petitioner had raised its invoices for the differential amount for the capacity charges to tune of Rs. 112.25 crore and the Respondent, TANGEDCO was required to make payment towards the same within the period of 60 days of raising of such bills failing which it would attract the late payment surcharge as per the agreement. However, even after the period of 2 years, no amount has been paid by the Respondent till date.

3. Learned counsel for the Respondent, TANGEDCO submitted that there has been change in counsel for the Respondent and accordingly, the Respondent may be permitted two weeks' time to file its reply. Learned counsel also submitted that the

appeal filed against the order dated 22.7.2019 along with the application for stay thereon is pending before the Appellate Tribunal for Electricity for consideration. Learned counsel further submitted that while there is no stay on the order dated 22.7.2019 at present but with the consent of learned counsel on both the side, the appeal is included in the list of final hearing matters of the Appellate Tribunal for Electricity.

4. Considering the submissions of the learned counsels for the parties, the Commission noted that till date there is no stay on the operation of the order dated 22.7.2019 passed in Petition No.117/MP/2017 and that the considerable time has passed since the issuance of the aforesaid order. Taking note of the attitude of utter disregard for law and non-compliance of quasi-judicial order on the part of the Respondent, TANGEDCO, the Commission directed the Respondent, TANGEDCO to pay Rs. 55 crore i.e approximately 50% of outstanding dues of Rs. 112.25 crore to the Petitioner against the invoices raised in terms of the order dated 22.7.2019 within fifteen days failing which proceedings under Section 142 of the Act would be initiated against officials of TANGEDCO for non-compliance of the direction of the Commission.

5. The Commission further permitted the Respondent, TANGEDCO to file its reply within two weeks after serving copy to the Petitioner, who may file its rejoinder, if any, within two weeks thereafter.

6. 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)  
Joint Chief (Law)**