

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 71/MP/2021

Subject : Petition seeking directions to the Respondents for clearing the outstanding bills from August, 2011 to December, 2012 along with interest.

Date of Hearing : 9.11.2021

Coram : Shri P. K. Pujari, Chairperson
Shri I. S. Jha, Member
Shri Arun Goyal, Member
Shri P. K. Singh, Member

Petitioner : NILE Limited (NILE)

Respondents : Transmission Corporation of Andhra Pradesh Limited (APTRANSCO) and 4 Ors.

Parties Present : Shri T. Hemanth Kumar, NILE
Shri Itika Venkata Radhakrishna Murthy, NILE
Ms. K. Rajani, NILE

Record of Proceedings

Case was called out for virtual hearing.

2. The representative of the Petitioner submitted that the present Petition has been filed seeking directions to the Respondents, jointly or severally, (i) to pay the outstanding bills for the period from August, 2011 to December, 2012 along with interest, (ii) to pay interest @ 10% on the delayed payment for the period from January, 2013 to October 2013 along with further interest till the date of payment, and (iii) to pay Rs.1,09,624/- along with interest @ 18% per annum from 28th November, 2011 till the date of payment. The representative of the Petitioner mainly submitted the following:

(a) The Petitioner has set-up a 2 MW wind power project at Ramagiri, district Anantapur. The project has achieved the commercial operation on 30.8.1995. The Petitioner entered into a Power Purchase Agreement dated 20.5.2002 for supply of power to the Respondent No.3, under which the Petitioner was entitled for tariff fixed by the State Commission from time to time.

(b) Pursuant to Andhra Pradesh Reforms Act, 1998, the Andhra Pradesh Electricity Regulatory Commission ('APERC') vide order dated 20.6.2001 in OP No. 1075/2000 and order dated 20.3.2004 in RP No.84/2013 fixed the tariff at Rs. 3.37/kWh with effect from 1.4.2004.

(c) Till the month of June, 2011, the Respondents paid the monthly power purchase bills. However, from July, 2011, only 50% of bill amount were being paid while retaining the balance 50% on the ground that the matter relating to revision of tariff was pending before the APERC. However, the aforesaid

ground is misplaced as there was no order passed by the Commission specifying any particular tariff.

(d) In addition, the Respondent No. 2 has also deducted Rs.1,09,624/- towards maintenance charges from the invoice of the Petitioner despite the Petitioner having already paid maintenance charges for the inter-connection facilities demanded by APTRANSCO on 19.7.2011. Thus, the deduction of such amount again is arbitrary and illegal.

3. After considering the submissions made by the representative of the Petitioner, the Commission ordered as under:

(a) Admit. Issue notice to the Respondents.

(b) The Petitioner to serve copy of the Petition on the Respondents immediately, if not already served and the Respondents to file their reply, if any, by 30.11.2021 after serving copy of the same to the Petitioner, who may file its rejoinder, if any, by 17.12.2021; and

(c) Parties to comply with above directions within the specified timeline and no extension of time shall be granted.

4. 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)**