

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 116/MP/2022**

Subject : Petition under Section 79(1)(b) read with Section 79(1)(f) of the Electricity Act, 2003 seeking, *inter alia*, quashing of the purported invoice dated 14.12.2021 raised by the Respondent No. 1 on the Petitioner and for refund of Rs. 59,58,745/- wrongfully and illegally deducted by the Respondents.

Date of Hearing : 9.9.2022

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

Petitioner : DB Power Limited (DBPL)

Respondents : NTPC Vidyut Vyapar Nigam Limited and Anr.

Parties Present : Shri Ashwini Tak, Advocate, DBPL  
Shri Vineet Tayal, Advocate, DBPL

**Record of Proceedings**

The Learned counsel for the Petitioner submitted that the present Petition has been filed, *inter-alia*, seeking declaration that the purported action of the Respondents to levy compensation of an amount of Rs. 59,58,745/- for the period from 1.11.2021 to 30.11.2021 is illegal and wrongful and direction upon the Respondents, jointly or severally, to refund of the said amount along with Late Payment Surcharge. The learned counsel submitted that such deduction has been made from the invoice raised by the Petitioner by falsely alleging the deviation of more than 15% of the contracted energy from the Petitioner's side, which was not the case and the same has also been acknowledged by the Respondent No. 1. However, since the Respondent No.2 proceeded to deduct the said amount from the invoice of the Respondent No.1, the Respondent No.1 also reduced such amount from the invoice of the Petitioner. The learned counsel added that in terms of the Letter of Intent issued by Respondent No.1 in favour of the Petitioner, the Respondent No.1 is required to ensure the payment of energy bills to the Petitioner irrespective of its receipt from the Respondent No.2.

2. After hearing the learned counsel for 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 and the Respondents to file their reply to the Petition, if any, within four weeks after serving copy of the same to the Petitioner, who may file its rejoinder within four weeks thereafter.

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

3. The Petition shall be listed for hearing on 13.12.2022.

**By order of the Commission**

**Sd/-  
(T.D. Pant)  
Joint Chief (Law)**