

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 136/MP/2022

Subject : Petition under Sections 79, 142, 146 and 149 of the Electricity Act, 2003 read with Regulation 111 of the Central Electricity Regulatory Commission (Conduction of Business) Regulations, 1999 against the Respondent/ Tamil Nadu Generation and Distribution Corporation Limited for wilful disobedience of this Commission's final Order dated 04.02.2022 passed in Petition No. 114/MP/2019.

Date of Hearing : 29.7.2022

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

Petitioners : GMR Energy Trading Limited (GETL) and Anr.

Respondent : Tamil Nadu Generation and Distribution Corporation Ltd. (TANGEDCO)

Parties Present : Shri Hemant Singh, Advocate, GETL
Shri Lakshyajit Singh, Advocate, GETL
Shri Harshit Singh, Advocate, GETL
Ms. Anusha Nagarajan, Advocate, TANGEDCO
Ms. Rahul Ranjan, Advocate, TANGEDCO

Record of Proceedings

Case was called out for virtual hearing.

2. Learned counsel for the Petitioners submitted that the present Petition has been filed on account of wilful disobedience on the part of the Respondent, TANGEDCO to comply with the explicit directions imparted by the Commission vide order dated 4.2.2022 passed in Petition No. 114/MP/2019, wherein the Commission directed the TANGEDCO to make payment for capacity charges along with Late Payment Surcharge (LPS) within one month from the issuance of supplementary bills. Learned counsel submitted that pursuant to the above, the Petitioner No.1 immediately vide its letter dated 16.2.2022 demanded the payment of Rs. 14.29 crore (Rs. 6.52 crore towards capacity charges + Rs.7.77 crore towards LPS) in line with the aforesaid order. However, till date TANGEDCO has not made payments to the Petitioners qua the aforesaid amount. Learned counsel submitted that the Petitioners are pressing for an interim order for attachment of the bank account of TANGEDCO or any other suitable measure/directions to ensure compliance and implementation of the order dated 4.2.2022 in Petition No. 114/MP/2019. Learned counsel pointed out that while the Respondent has filed an appeal before the APTEL against the order dated 4.2.2022. However, there is no stay. Therefore, the Respondent ought to be directed to release the payment to the Petitioners forthwith.

3. Learned counsel for the Respondent, TANGEDCO accepted the notice and sought liberty to take necessary instruction as to whether the dues to the Petitioners were included in the liquidation plan of past dues/arrears as per the Electricity (Late Payment Surcharge) Rules, 2021 ('LPS Rules'). Learned counsel further submitted that when the Respondent preferred the appeal before APTEL, there was no execution of Petition before this Commission and accordingly, when the IA was filed by the Respondent therein seeking stay of the Commission's order dated 4.2.2022, it was decided to be taken up along with the main appeal itself. Learned counsel added that the said appeal is now listed for hearing on 4.8.2022 and the Respondent intends to press its aforesaid IA.

4. After hearing the learned counsel for the parties, the Commission ordered as under:

(a) Admit. Issue notice to the Respondent.

(b) The Petitioners to serve copy of the Petition on the Respondent and the Respondent to file its reply within two weeks after serving copy of the same to the Petitioners, who may file their rejoinder within two weeks thereafter.

(c) The Respondent to clarify as to whether the Petitioners have been communicated about the outstanding dues, number of installments etc. as per Rule 5(2) of the LPS Rules.

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

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)
Joint Chief (Law)**