

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No.199/MP/2021**

Subject : Petition under Section 79(1)(f) of the Electricity Act, 2003 and Article 8 of the Power Purchase Agreements dated 29.6.2012 and 23.8.2013 entered into between the Petitioner and the Respondent, for recovery of Late Payment Surcharge on the monthly bills of the Petitioner.

Petitioner : Jindal Power Limited

Respondents : Tamil Nadu Generation and Distribution Corporation Ltd.

Date of Hearing : **22.3.2022**

Coram : Shri I.S. Jha, Member  
Shri Arun Goyal, Member  
Shri Pravas Kumar Singh, Member

Parties Present : Shri Deepak Khurana, Advocate, JPL  
Ms. Nishtha Wadhwa, Advocate, JPL

**Record of Proceedings**

Case was called out for virtual hearing on 'admission'.

2. During the hearing, the learned counsel for the Petitioner submitted that the Petitioner has supplied 200 MW power to the Respondent on Medium term basis till 31.8.2019 under the Power Purchase Agreement (PPA-I) dated 29.6.2012 read with the Addendum dated 27.9.2017 and is supplying 400 MW power to the Respondent on Long Term basis under Power Purchase Agreement (PPA-II) dated 23.8.2013. He also submitted that from November 2016 against PPA-I and from December, 2016 against PPA-II, the Respondent has delayed the payment of Petitioner's monthly bills beyond their respective due dates, thereby making itself liable to pay the Late Payment Surcharge (LPS) in terms of Article 8 of the PPAs. The learned counsel added that the LPS payable by the Respondent from 2016-17 to 2021-22 is about Rs 429.14 crore and prayed that the Respondent may be directed to make payment of LPS, in line with Commission's order dated 8.1.2020 in Petition No.22/MP/2019 and the observations of the Appellate Tribunal for Electricity (APTEL) in its order dated 4.2.2021 in Appeal No. 56/2020 (DB Power Ltd v CERC & ors). The learned counsel submitted that the Commission may as an interim measure direct the Respondent to make payment of 75% of the total dues during the pendency of the present Petition.

3. The Commission 'admitted' the petition and directed to issue notice to the Respondent.

4. The Respondent shall file its reply, on or before 11.4.2022, after serving copy to the Petitioner, who shall file its rejoinder, if any, by 21.4.2022. The parties shall ensure the completion of pleadings within the due dates mentioned 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/-  
(B. Sreekumar)  
Joint Chief (Law)

