

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 282/MP/2021

Subject : Petition under Section 79(1) (b), Section 79 (1)(f) and Section 79 (1)(k) of the Electricity Act 2003, read with Articles 11.5.3,11.5.4,12.1, 24.3 and 24.4 of the Pilot Agreement for Procurement of Power (PAPP) dated 26.10.2018 executed between the Petitioner (RKM) and the Respondent (PTC) seeking payment of the outstanding amount on account of (i) monthly supply bills; (ii) late payment surcharge; (iii) additional interest; and for furnishing of Letter of Credit as payment security mechanism.

Date of Hearing : 24.5.2022

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

Petitioner : RKM Powergen Private Limited (RKMPPL)

Respondents : PTC India Limited and 4 Ors.

Parties Present : Shri Hemant Singh, Advocate, RKMPPL
Shri Lakshyajit Singh Bagdwal, Advocate, RKMPPL
Ms. Lavanya Panwar, Advocate, RKMPPL
Shri Rajeev Lochan, RKMPPL

Record of Proceedings

Case was called out for virtual hearing.

2. Learned counsel for the Petitioner submitted that the present Petition has been filed, *inter-alia*, seeking directions upon the Respondent No. 1 for releasing the outstanding payment accrued in favour of the Petitioner on account of non-payment of monthly power supply bills, late payment surcharge along with the applicable interest and for furnishing of Letter of Credit as payment security mechanism in terms of the Pilot Agreement for Procurement of Power ('PAPP') dated 26.10.2018 executed between the Petitioner and the Respondent No.1. Learned counsel referred to the various Articles of the PAPP and submitted that the total outstanding against the monthly supply bills and supplementary bills raised by the Petitioner towards principal amount and late payment surcharge/delayed interest till December, 2021 is Rs. 467.58 crore. Learned counsel further submitted that the Petitioner is also praying for an interim direction upon the Respondents to release 80% of the outstanding amount as claimed in the Petition subject to the outcome the Petition.

3. 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 within four weeks after serving copy of the same to the Petitioner, who may file its rejoinder within three weeks thereafter.

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

4. The Petitioner 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)**