

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 424/MP/2019

Subject : Petition under Section 79 of the Electricity Act, 2003 for execution of order dated 22.7.2019 in Petition No. 117/MP/2017 and initiation of proceedings / appropriate action under Section 142 read with Section 149 of the Electricity Act, 2003 and Regulation 111 of the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999 against the Respondents for noncompliance of the order dated 22.7.2019 in Petition No.117/MP/2017.

Date of Hearing : 27.9.2022

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

Petitioner : DB Power Limited (DBPL)

Respondents : Tamil Nadu Generation & Distribution Corporation Ltd. (TANGEDCO) and Anr.

Parties Present : Shri Deepak Khurana, Advocate, DBPL
Ms. Nishtha Wadhwa, Advocate, DBPL
Shri Vikas Adhia, DBPL
Ms. Anusha Nagarajan, Advocate, TANGEDCO
Shri Rahul Ranjan, Advocate, TANGEDCO

Record of Proceedings

Learned counsel for the Petitioner submitted that the present petition has been filed, *inter-alia*, seeking execution of the Commission's order dated 22.7.2019 in Petition No. 117/MP/2017. Learned counsel further submitted as under:

(a) Vide Record of Proceedings for the hearing dated 21.1.2022, the Commission has clearly noted that the total outstanding amount payable by TANGEDCO to the Petitioner in terms of order dated 22.7.2019 is Rs. 132.98 crore towards principal and Rs. 32.88 crore towards late payment surcharge which is neither disputed nor contested by TANGEDCO.

(b) Till date, TANGEDCO has made the payment of Rs. 55 crore and Rs. 70 crore in terms of the directions of the Commission dated 6.8.2021 and 21.1.2022 respectively.

(c) TANGEDCO's appeal along with application for stay against the Commission's order dated 22.7.2019 has been dismissed by the APTEL.

(d) As on date, the outstanding amount is approximately Rs. 56.21 crore (inclusive of late payment surcharge) which has also been reconciled with TANGEDCO. In this regard, summary of reconciliation was circulated and referred to.

(e) The aforesaid outstanding amount has not been included in the amount communicated by TANGEDCO for liquidation of its arrears under Rule 5(2) Electricity (Late Payment Surcharge and Related Matters) Rules, 2022 on account of the pendency of appeal filed by it before the APTEL.

(f) In above circumstances, TANGEDCO may be asked to pay the balance outstanding amount as reconciled between the parties.

2. Learned counsel for the Respondent, TANGEDCO submitted that as per her instruction and without prejudice to the right of the Respondent to further appeal, TANGEDCO will make the payment of balance outstanding amount of approximately Rs. 40 crore within a month. Learned counsel pointed out that as per Annexure B to the Petitioner's rejoinder, the total outstanding amount was Rs 165.87 crore out of which TANGEDCO has already paid Rs. 125 crore in terms of the directions of the Commission. Learned counsel added that she does not have any instruction on the further reconciled amount as claimed by the Petitioner and the amount covered under the present execution Petition is to the extent of Rs. 165.87 crore only.

3. In response, learned counsel for the Petitioner submitted that the balance outstanding amount of approximately Rs. 56.21 crore has been worked out by taking into the account the late payment surcharge for the further period to which the Petitioner is entitled to in terms of the Commission's order dated 22.7.2019 in Petition No. 117/MP/2017.

4. After hearing the learned counsel for the parties, the Commission took on record the submission of the learned counsel for TANGEDCO that the payment of approximately Rs. 40 crore as outstanding in terms of the order dated 22.7.2019 shall be made by TANGEDCO within a month. For the remaining amount, the Commission directed the parties to reconcile such amount within 15 days and consequently, TANGEDCO to pay such amount to the Petitioner within 15 days thereafter. Both the parties will file the compliance status within a week thereafter.

5. Subject to the above, the matter was reserved for order.

By order of the Commission

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