

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 52/MP/2022

Subject : Petition under Section 79(1)(f) of the Electricity Act, 2003 for adjudication of dispute between NHPC Ltd and & PGCIL regarding interpretation of Regulation-6(5) of CERC (Terms and Conditions of Tariff) Regulations, 2009.

Date of Hearing : **30.6.2022**

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

Petitioner : NHPC Limited

Respondents : Power Grid Corporation of India Limited

Parties present : Shri Rajiv Shankar Dvivedi, Advocate, NHPC
Shri Ajay Shrivastava, Advocate, NHPC
Shri S.K. Meena, NHPC

Record of Proceedings

Case was called out for virtual hearing 'on admission'

2. During the hearing, the learned counsel for the Petitioner pointed out that the transmission tariff of associated transmission system of Parbati-III was allowed by the Commission vide order dated 26.5.2015 in Petition No.91/TT/2012, which was further trued up by order dated 17.8.2020 in Petition No.107/TT/2017. He also submitted that the Respondent had raised bill No.92100076 dated 17.6.2015 for Rs.74,78,43,000/- on the Petitioner, which was under protest. The learned counsel further submitted that subsequent to truing up of tariff vide order dated 17.8.2020 in Petition No. 107/TT/2017, the Respondent raised bill No.92101797 dated 6.11.2020 for Rs 10.11 crore which includes Rs.5.47 crore as Principal amount (for Assets-I to IV) and Rs. 4.63 crore as Interest, calculated from COD of the respective assets, till the date of order. He stated that since tariff order for Assets-III & IV was issued for the first time after COD of these two assets, no interest is chargeable for the tariff in respect of these two assets. Referring to the provisions of Regulation 5 & Regulation 6 of the 2009 Tariff Regulations, notified by this Commission, the learned counsel argued that the bills raised by the Respondent is not in line with the said provisions, since interest is to be calculated on the amount to be recovered from / refunded to from the date of billing till the date of final / truing-up order issued by the Commission. The learned counsel also stated the Commission in its order dated 18.9.2015 in Review Petition No. 5/RP/2015 had held that there is no provision in the 2009 Tariff Regulations for charging interest from COD of unit/station till the date of order.



3. After hearing the submissions of the learned counsel for the Petitioner, the Commission ordered the following:

(a) Admit, issue notice to the Respondent.

(b) The Respondent shall file its reply by **18.7.2022**, after serving copy to the Petitioner, who shall file its rejoinder, if any, by **28.7.2022**.

(c) Pleadings shall be completed by the parties, within the due dates mentioned and no extension of time shall be granted.

4. 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)