

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 172/MP/2022**

**Coram:**

**Shri Arun Goyal, Member**

**Shri P.K. Singh, Member**

**Date of Order: 14<sup>th</sup> October, 2022**

**In the matter of**

Petition under Section 79(1) (b) and Section 79(1) (f) of Electricity Act, 2003 read with Article 22.4 of Pilot Agreement for Procurement of Power dated 26.10.2018 executed between IL&FS Tamil Nadu Power Company Ltd. and PTC India Ltd. for recovery of (i) outstanding Monthly Invoices (ii) Delayed Payment Interest (iii) compensation for under-scheduling (iv) charges for minimum guaranteed off-take of 55% against the deemed full availability and (v) O&M Expenses and interest on debt

**And**

**In the matter of**

IL&FS Tamil Nadu Power Company Limited,  
4<sup>th</sup> Floor, KPR Tower,  
Old No. 21, New No. 2,  
1<sup>st</sup> Street, Subba Rao Avenue,  
College Road, Chennai-600006

... **Petitioner**

**Vs**

1. PTC India Limited,  
2<sup>nd</sup> Floor, NBCC Tower,  
15 Bhikaji Cama Place,  
New Delhi-110066.

2. Tamil Nadu Generation and Distribution Corporation Ltd.,  
Second Floor, Eastern Wing,  
144, Anna Salai,  
Chennai-600002.

... **Respondents**

**ORDER**

The Petitioner, IL&FS Tamil Nadu Power Company, has filed the present Petition with the following prayers:

“(a) *direct PTC to make payment to ITPCL of INR 4,31,97,75,722/- towards outstanding monthly invoices in terms of Article 11.5.3 of PAPP, as detailed in Annexure 19 of the present petition;*

(b) direct PTC to make payment to ITPCL towards Delayed Payment Interest accrued till the date of actual payment including INR 1,21,85,81,578-, calculated in terms of Article 24.4 of PAPP accrued as on 30<sup>th</sup> April 2022 as detailed in Annexure 19 of the present petition;

(c) direct PTC to make payment of INR 5,60,23,96,800 to ITPCL towards charges for minimum guaranteed off-take of 55% against deemed full availability during October, 2021 to March, 2022 in terms of Articles 10 & 11 as provided in PAPP and MoP Order and as detailed in Annexure 19 of the present petition;

(d) direct PTC to make payment of INR 21,31,86,375/- to ITPCL towards under-scheduling of power by PTC during May, 2021 calculated in terms of Article 10.2 of PAPP and MoM dated 27.10.2018 as detailed in Annexure 19 of the present petition;

(e) direct PTC to make payment to ITPCL of INR 4,88,63,00,000/- towards Interest on Debt and O&M Expenses in terms of Article 17.2 of PAPP, as detailed in Annexure 19 of the present petition;

(f) in the interim, direct PTC to release at least INR 8,12,01,20,238/- being 50% of the total outstanding amount of INR 16,24,02,40,475/- and secure the balance 50% amount by way of furnishing Letter of Credit;

(g) in the interim, pass appropriate orders/ directions restraining PTC from taking any coercive actions against ITPCL in terms of PAPP;

(h) direct initiation of license revocation proceedings against PTC for abusing its dominant position and for wilful non-compliance of Regulation 9 (10) of Central Electricity Regulatory Commission (Procedure, Terms and Conditions for grant of trading licence and other related matters) Regulations, 2020 read with Article 11.5.3 of PAPP read with Order dated 28.06.2019 issued by Ministry of Power, Government of India;

(i) suspension of trading license of PTC for violating Regulation 9 (10) of Central Electricity Regulatory Commission (Procedure, Terms and Conditions for grant of trading licence and other related matters) Regulations, 2020 read with Article 11.5.3 of PAPP read with Order dated 28.06.2019 issued by Ministry of Power, Government of India, during the pendency of the captioned petition; and

(j) pass any other and further order or orders as this Hon'ble Commission may most graciously deem fit and proper in the aforesaid peculiar facts and circumstances of the present case and in the interest of justice."

2. The matter was heard on 11.10.2022. During the course of hearing, in response to the query of the Commission as to whether the Respondents have complied with the provisions of the Electricity (Late Payment Surcharge and related matters) Rules,

2022 ('LPSC Rules') notified by the Ministry of Power, Government of India on 3.6.2022, the learned counsel for the Petitioner had submitted that the Respondents have proposed to pay only Rs. 431 crore out of Rs. 1600 crore under LPSC Rules mechanism. The learned counsel for the Petitioner sought permission to amend the Petition which was allowed by the Commission. Accordingly, the matter was adjourned.

3. The Petitioner vide its letter dated 12.10.2022 has sought permission to withdraw the present Petition to comply with the direction of the Commission dated 11.10.2022. Learned counsel for the Petitioner has prayed to adjust the filing fees paid in the present Petition;

4. The Petition is being decided by circulation. In view of the submission of the learned counsel vide its letter dated 12.10.2022, the Petitioner is permitted to withdraw this Petition. The filing fees paid in the present Petition shall be adjusted against the Petition to be filed by the Petitioner on the subject in future.

5. Accordingly, the Petition No. 172/MP/2022 is disposed of as withdrawn.

**Sd/-  
(P.K. Singh)  
Member**

**sd/-  
(Arun Goyal)  
Member**