

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No.122/MP/2022

- Subject : Petition under Section 79 of the Electricity Act, 2003 read with Article 18.11 (g) of the Request for Proposal for purchase of power bearing Tender Specification No. 24/SPATC-155/2015 dated 22.12.2015 and read with terms and conditions of the Letter of intents dated 18.01.2016, 28.01.2016 and 30.01.2016 issued by Uttar Pradesh Power Corporation Ltd. to Tata Power Trading Company Ltd. seeking direction of payment of late payment surcharge on account of delay by UPPCL in honouring the invoice(s) raised by Petitioner in terms of Order dated 17.09.2018 in Petition No. 158/MP/2017 issued by this Commission.
- Date of Hearing : **19.7.2023**
- Coram : Shri Jishnu Barua, Chairperson
Shri I. S. Jha, Member
Shri Arun Goyal, Member
Shri P. K. Singh, Member
- Petitioner : Jindal India Thermal Power Ltd. (JITPL)
- Respondents : Uttar Pradesh Power Corporation Ltd. and Anr.
- Parties Present : Shri Aniket Prasoon, Advocate, JITPL
Shri Md Aman Sheikh, Advocate, JITPL
Shri Rishabh Bhardwaj, Advocate, JITPL
Shri S. Venkatesh, Advocate, TPTCL
Shri Jatin Ghuliani, Advocate, TPTCL
Ms. Nehal Jain, Advocate, TPTCL
Shri Sitiesh Mukherjee, Advocate, UPPCL
Shri Abhishek Kapoor, Advocate, UPPCL
Shri Nived Veerapaneni, Advocate, UPPCL
Shri Karan Arora, Advocate, UPPCL

Record of Proceedings

Due to paucity of time, the matter could not be taken up for hearing and accordingly, the matter was adjourned.

2. The Petitioner is directed to file the following information on an affidavit within a week:

(a) Copy of a Minutes of Meeting (MoM) held on 27.10.2020;

(b) The communication exchanged with Respondents regarding the wavier of Late Payment Surcharge (LPS) during the periods from 27.10.2020 to 24.5.2021 and 24.5.2021 to 16.4.2022;

(c) Relevant clauses of Lols and Order dated 5.11.2018 in arriving at effective date considered in computation of LPS; and

(d) Details regarding levy of carrying cost on the LPS along with relevant clauses of Lols and Order dated 5.11.2018.

3. The Respondents, TPTCL and UPPCL are directed to submit on affidavit within a week the details of communication exchanged regarding levy and waiver off LPSC.

4. The Petition shall be listed for hearing on **31.7.2023**.

By order of the Commission

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