

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 93/MP/2022

Subject : Petition under section 79(1)(f) of the Electricity Act, 2003 read with Regulation 27 of the CERC (Conduct of Business) Regulations, 1999 and Regulation 56 of the CERC (Terms and Conditions of Tariff) Regulations, 2019 seeking directions to allow pass through in the generation tariff, of interest levied on electricity duty and energy development cess paid by the petitioner in respect of energy supplied from its generating stations.

Petitioner : NHDC Limited

Respondents : MPPMCL and 2 others

Date of Hearing : **16.3.2023**

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

Parties Present : Ms. Suparna Srivastava, Advocate, NHDCL
Shri Tushar Mathur, Advocate, NHDCL
Shri N. K. Chellani, NHDCL
Shri Y. Narsimha Rao, NHDCL
Shri Ravi Sharma, Advocate, MPPMCL
Shri Adwait Sharma, Advocate, MPPMCL

Record of Proceedings

During the hearing, the learned counsel for the Petitioner submitted that it's a part heard matter and in compliance to the directions of the Commission, written submissions have been filed by the parties. She further made detailed oral submissions referring to the written submissions.

2. The learned counsel for the Respondent also made detailed oral submission referring to the written submissions and mainly submitted that the delayed payment of Electricity Duty (ED) Energy Development Cess (EDC) was because of the Petitioner's own conduct and therefore, the interest of payment of ED and EDC may not be allowed as pass through in the tariff. He further submitted that the Petitioner had the option to pay the ED and EDC under protest and had these been paid even under protest, subject to subsequent developments, the payment of interest could not have arisen.



3. On a specific query by the Commission regarding applicable rate of interest, the learned counsel for the Respondent submitted that it has been reduced from 24% to 12%. The learned counsel for the Petitioner concurred with this submission.

4. The learned counsels of the parties prayed that the pleadings are complete and the order may be reserved in the matter. Accordingly, order in the matter was reserved.

By order of the Commission

Sd/-
(Deepak Pandey)
Assistant Chief (Law)

