

CENTRAL ELECTRICITY REGULATORY COMMISSION

NEW DELHI

Petition No. 274/MP/2023

Subject	Petition under Section 79(1)(c), 79(1)(f) and 79(1)(k) of the Electricity Act, 2003 for adjudication of the dispute arising out of the non-payment of outstanding dues being (i) Late Payment Surcharge on account of delayed payment of Transmission Charges corresponding to Long Term Access of 392 MW paid by PGCIL/Respondent No.1; and (ii) Late Payment Surcharge on bank guarantee extension charges incurred by the Petitioner towards keeping the bank guarantee alive beyond the due date on account of illegal demands raised by CTUIL, Respondent No. 2.
Date of Hearing	19.4.2024
Coram	Shri Jishnu Barua, Chairperson Shri Arun Goyal, Member Sh. P K Singh, Member
Petitioner	MB Power (Madhya Pradesh) Limited
Respondents	Power Grid Corporation of India Limited and Anr.
Parties Present	Ms. Subhi Sharma, Advocate, MBMPPL Shri Deepak Thakur, Advocate, MBMPPL Shri Adarsh Kumar Bhardwaj, Advocate, MBMPPL Shri Hemant Sahai, Advocate, MBMPPL Ms. Swapna Seshadri, Advocate, PGCIL Ms. Sneha Singh, Advocate, PGCIL Ms. Suparna Srivastava, Advocate, CTUIL Shri Tushar Mathur, Advocate, CTUIL Ms. Astha Jain, Advocate, CTUIL Shri Abhishek Gupta, MBMPPL Shri V. C. Sekhar, PGCIL Shri Prashant Kumar, PGCIL Shri Lashit Sharma, CTUIL

Record of Proceedings

MB Power (Madhya Pradesh) Limited (MBPL) has filed the instant petition for adjudication of the dispute arising out of the non-payment of outstanding dues by i) PGCIL towards the LPS on the delayed payment of reverse transmission charges accrued on account of a delayed payment of transmission charges corresponding to Long Term



Access of 392 MW, and (ii) CTUIL towards the payment of LPS on bank charges accrued on bank guarantee extension charges incurred by the Petitioner towards keeping the bank guarantee alive beyond the due date on account of illegal demands raised by CTUIL.

2. Learned counsel for the Petitioner submitted that as per the directions of APTEL in its judgement dated 6.10.2022 in Appeal No. 196 of 2019, the Respondents, PGCIL, and CTUIL have repaid reverse transmission charges and bank charges to the Petitioner in February 2023 and March 2023. However, no LPS payment has been paid to the Petitioner. Learned counsel further stated that the Petitioner must be compensated for the loss of time value of money that it has suffered by way of payment of LPS on delayed remittance of reverse transmission charges and bank charges by PGCIL and CTUIL respectively, in terms of the relevant provision of the 2014 Tariff Regulations.

3. Learned counsels for PGCIL and CTUIL raised the issue of the instant petition's 'maintainability' as the Petitioner has raised the issue of LPS for the first time now, and it was not raised before the APTEL in its Appeal.

4. The Commission, after hearing the parties, directed the Respondents to file reply on 'maintainability' by 17.5.2024 with a copy to the Petitioner, who may file its rejoinder, if any, by 7.6.2024.

5. The Commission further directed the parties to strictly adhere to the aforesaid timelines and observed that no extension of time will be granted.

6. The petition will be listed for hearing on 'maintainability' on 11.6.2024

By order of the Commission

sd/-

(V. Sreenivas)
Joint Chief (Law)

