

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No.29/RP/2024 along with IA No.89/2024

Subject : Petition under Section 94(1)(f) of the Electricity Act, 2003 read with Regulation 52 of the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 2023 and Section 114 and Order 47 Rule 1 of the Code of Civil Procedure, 1908 seeking review of the order dated 20.1.2024 passed by the Commission in Petition No. 113/MP/2020.

Petitioner : Central Transmission Utility of India Limited (CTUIL)

Respondents : KSK Mahanadi Power Limited and Ors.

Date of Hearing : **28.11.2024**

Coram : Shri Jishnu Barua, Chairperson
Shri Ramesh Babu V., Member
Shri Harish Dudani, Member

Parties Present : Ms. Suparna Srivastava, Advocate, CTUIL

Record of Proceedings

Learned counsel for the Petitioner submitted that the present Petition had been filed seeking the review of the order dated 20.1.2024 passed by this Commission in Petition No. 113/MP/2020 whereby, the Commission, while dismissing the Petition filed by the Respondent No.1, has held the Respondent No.1 to be liable to pay the Late Payment Surcharge (LPS) on the monthly transmission charges due on it for the period from April 2018 to June 2019 in terms of the order dated 31.7.2019 passed in Review Petition Nos. 20/RP/2018 and 3/RP/2019 and has further directed the Petitioner herein to recalculate the LPS payable by Respondent No.1 and reconcile the charges already collected from the Respondent No.1 within a period of one month from the issuance of the order dated 20.1.2024. Learned counsel further submitted that the Petitioner is seeking the review of the said order to a limited extent, that in the said order, the Commission has inadvertently omitted to consider the methodology for calculation of the LPS as submitted by the Petitioner during the course of the proceedings. Learned counsel added that owing to this inadvertent omission, the Petitioner is facing difficulty in recalculating LPS payable to Respondent No.1 and has found that the adoption of any other method is leading to a significant under-recovery of the LPS to the ISTS licensees.

2. Learned counsel further submitted that the Petitioner has also moved IA No.89/2024 seeking condonation of delay of 186 days in filing of the Review Petition. Learned counsel submitted that the delay in filing the Review Petition has been caused owing to the complexities of the issues involved in the matter and the ongoing process of re-calculation of LPS payable by Respondent No.1 and reconciliation of the charges already collected from the Respondent No.1 as per the order dated 20.1.2024.

3. After hearing the learned counsel for the Petitioner and having regard to the issue raised in the Review Petition, the Commission deemed it fit to reserve the Review Petition along with IA for orders.
4. Subject to the above, the Review Petition, along with IA, was reserved for order.

By order of the Commission

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