

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 348/MP/2024

Subject : Petition under Section 79(1)(a) and 79(1)(f) of the Electricity Act, 2003 and Regulation 6(6) of the Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2009, to disallow the belated claim of the Respondent NLC.

Petitioner : TANGEDCO

Respondents : NLC India Ltd. And 2 others

Date of Hearing : **7.10.2024**

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

Parties Present : Shri Sanjay Sen, Senior Advocate, TANGEDCO
Shri S. Vallinayagam, Advocate, TANGEDCO
Shri Anand K. Ganesan, Advocate, NLCIL
Ms. Ritu Apurva, Advocate, NLCIL
Shri Karthikeyan Murugan, Advocate, NLCIL

Record of Proceedings

The case was heard through video conferencing

2. During the hearing, the learned Senior counsel for the Petitioner submitted that the present Petition had been filed by the Petitioner pursuant to the liberty granted vide order dated 23.8.2024/9.9.2024 of the Hon'ble High Court of Madras in W.P. No 19053/2024. He also submitted that the invoice dated 2.5.2024 raised by the Respondent NLC in respect of the Lignite Transfer Price (LTP) of Standalone mines for the period 2009-14, as determined by the Commission vide order dated 20.3.2017 is barred by limitation. The learned Senior counsel further submitted that since the LTP of the Standalone mines did not form part of the challenge to order dated 20.3.2017 in the appeal filed by the Respondent NLC before APTEL, the Respondent should have adjusted the tariff /raised debit notes on TANGEDCO within three months from the date of order, as directed by the Commission. The learned Senior counsel added that the Commission may consider the grant of interim relief in the IA filed by the Petitioner, staying the recovery of the balance Principal amount payable by the Petitioner to the Respondent NLC.

2. In response, the learned counsel for the Respondent NLC pointed out to the order dated 9.9.2024 of the Hon'ble Madras High Court, wherein the Commission has been directed to dispose of the main petition within eight weeks and submitted that after completion of the pleadings by the parties (reply and rejoinder) within a short date, Commission may hear the matter and reserve its orders. The learned counsel further



submitted that since the Hon'ble High Court has directed that no coercive action is to be taken against TANGEDCO till the final disposal of the case, no further interim order may be passed in the present petition.

3. The Commission, after hearing both parties, directed as under:
 - (a) Admit and issue notice to the parties in the IA and the petition.
 - (b) The Respondent shall file its reply on or before **11.10.2024** after serving a copy to the Petitioner, who may file a rejoinder, if any, by **15.10.2024**.
4. The Petition shall be listed for hearing on **18.10.2024**.

By order of the Commission

**Sd/-
(B. Sreekumar)
Joint Chief (Law)**

