

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 61/MP/2023

Subject : Petition under Sections 79(1)(b), 79(1)(f) and 79(1)(k) of the Electricity Act, 2003 for seeking recovery of (i) delayed payment interest towards failure of the Respondent No. 1 to pay the invoices/ bills for supply of power within the stipulated contractual timeframe; and (ii) compensation along with interest towards failure of the Respondent No. 1 to off-take the minimum quantum of power in terms of the short-term contracts for the relevant period.

Petitioner : IL&FS Tamil Nadu Power Company Limited (ITPCL)

Respondent : NTPC Vidyut Vyapar Nigam Limited (NVVN) and Anr.

Date of Hearing : **13.5.2026**

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

Parties Present : Shri Neeraj Malhotra, Sr. Advocate, ITPCL
Shri Hemant Singh, Advocate, ITPCL
Ms. Lavanya Panwar, Advocate, ITPCL
Shri Sanjay Sen, Sr. Advocate, NVVN
Ms. Shikha Ohri, Advocate, NVVN
Shri Kartik Sharma, Advocate, NVVN
Shri Roberta Ruth Elwin, Advocate, NVVN
Ms. Neha Dabra, Advocate, NVVN
Shri D. Abhinav Rao, Advocate, Telangana Discom
Shri Abhishek Das, Advocate, Telangana Discom

Record of Proceedings

During the hearing, the learned senior counsels for the Petitioner and the Respondents, NVVN, and the learned counsel for the Telangana Discom, made detailed submissions and concluded their respective arguments in the matter.

2. Based on their request, the Commission permitted the parties to file their respective written submissions/ note of arguments (including maintainability of the petition and limitation, etc.), if any, within ten days with a copy to the other side.

3. Respondent No.1 (NVVN) is directed to clarify whether, under the applicable contractual and regulatory framework governing inter-State electricity trading, an electricity trader can avoid or defer its payment obligations towards the generator on

the ground of non-receipt of corresponding payment from the procurer alongwith the relevant contractual provisions.

4. The Petitioner and Respondent No. 2 are directed to place on record complete details regarding compensation claimed and/or paid for alleged lower off-take, computation methodology adopted under Clause 13 of the RFP, documentary proof of payment already made, if any, and whether such payments were accepted towards full and final settlement of claims.

5. Subject to the above, the Commission reserved the matter for order.

By order of the Commission
Sd/-
(T.D. Pant)
Joint Chief (Law)