

CENTRAL ELECTRICITY REGULATORY COMMISSION

NEW DELHI

Coram:

1. Shri Ashok Basu, Chairman
2. Shri K.N. Sinha, Member
3. Shri A.H. Jung, Member

Petition No.29/2005

In the matter of

Non-payment of Unscheduled Interchange (UI) charges by Madhya Pradesh State Electricity Board (MPSEB)

And in the matter of

Western Regional Load Despatch Center

,,, **Petitioner**

Vs

1. Madhya Pradesh State Electricity Board, Jabalpur
2. Chattisgarh State Electricity Board, Raipur
3. Gujarat Electricity Board, Vadodara
4. Maharashtra State Electricity Board., Mumbai
5. National Thermal Power Corporation Ltd., New Delhi
6. Goa Electricity Department, Panjim, Goa
7. Union Territory of Dadra & Nagar Haveli, Silvassa
8. Daman & Diu Administration, Daman
9. Member Secretary, WREB, Mumbai

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Respondents

The following were present:

1. Shri G.S. Limaye, MSEB
2. Shri G.S. Trimukhe, MSEB
3. Shri J.M. Bhagwat, MSEB
4. Shri Rohit Singh, Advocate, MPSEB
5. Shri A.P. Bhairve, MPSEB
6. Shri Chetan Jaiswal, MPSEB
7. Shri Dilip Singh, MPSEB
8. Shri A.Roy, GM, WRLDC
9. Shri R.K. Mediratta, CM, WRLDC
10. Ms. Suparna Srivastava, Advocate, CSEB
11. Shri S.N. Chauhan, Addl CE C(Comml), CSEB
12. Shri S. Sivan, Member Secretary, WREB
13. Shri S.G. Tempe, SE (Comml), WREB

ORDER
(DATE OF HEARING: 9.6.2005)

The petitioner seeks a direction to the first respondent, namely Madhya Pradesh State Electricity Board for payment of dues on account of UI charges, along with interest. A prayer is made for imposition of penalty on the first respondent under sections 146 and 149 of the Electricity Act, 2003 for its failure to pay the dues in accordance with standing instructions of the Commission . The petitioner has also sought approval for regulation of power supply to the first respondent in the event of further default in making payments.

2. It has been alleged that an amount of Rs.119.2 crore was due against the first respondent till 27.2.2005. Against this, a total payment of Rs.47.98 crore was made during the months January 2005 to March 2005 which is considered to be insufficient considering the total dues against the first respondent. The petitioner reportedly made efforts with the first respondent for settlement of outstanding dues but these did not yield the desired results. Therefore, the petitioner has filed the present petitions.

3. The first respondent in its reply has submitted that the total UI Charges payable up to 3.4.2005 added to Rs.220.455 crore which were paid by 29.4.2005. The representative of the first respondent submitted at the hearing that an amount of Rs.8 crore (approximately) for the period after 3.4.2005 was due. It was submitted that the outstanding dues would be paid in due course of time when its financial position permitted.

4. As the dues claimed in the petition are already settled by the first respondent and the cause of action for filing of the petition does not survive, we do not consider this to be a fit case for invoking powers under Sections 146 and 149 Of the Electricity Act. We, however, direct that the entire outstanding amount including the interest, shall be paid by the first respondent latest by 30.6.2005. In future the first respondent shall manage its affairs in such a manner that it does not allow accumulation of arrears on account of UI charges since in accordance with the directions of the Commission all payments on account of UI charges require to be made on priority, within ten days of raising the bill by the petitioner.

5. With the above, the petition stands disposed of.

Sd/-
(A.H.JUNG)
MEMBER

Sd/-
(K.N. SINHA)
MEMBER

Sd/-
(ASHOK BASU)
CHAIRMAN

New Delhi dated the 14th June 2005