

**CENTRAL ELECTRICITY REGULATORY COMMISSION
New Delhi**

Coram:

1. **Shri Ashok Basu, Chairman**
2. **Shri K.N. Sinha, Member**

Petition No. 53/2003

IN THE MATTER OF

Non-payment of Unscheduled Interchange (UI) charges by Uttar Pradesh Power Corporation Limited (UPPCL), Lucknow

AND IN THE MATTER OF

Northern Regional Load Despatch Centre **Petitioner**

Vs

Uttar Pradesh Power Corporation Ltd **Respondent**

The following were present:

1. Shri V.K. Agarwal, NRLDC
2. Shri P.K. Agrawal, NRLDC
3. Shri S.R. Narasimhan, NRLDC
4. Shri R.G. Yadav, PGCIL
5. Shri V. Mittal, PGCIL
6. Shri D.D. Chopra, Advocate, UPPCL
7. Shri T.K. Srivastava, EE, UPPCL
8. Shri Jayant Varma, AE, UPPCL
9. Er. V.A. Kumar, UPPCL

ORDER

(DATE OF HEARING: 22.10.2003)

In this petition, the petitioner has sought directions to the respondent to clear all the dues on account of Unscheduled Interchange (UI) Charges along with interest within 15 days and in future to make UI charges within the stipulated period of 10 days of issue of UI accounts.

2. The Commission's order dated 4.1.2000 in Petition No. 2/1999 envisages payment of UI charges in case of over-drawal of power under certain circumstances by the generators and the state beneficiaries. The payments of UI

charges are governed by Clauses 12(a), 13 and 14 of Annexure 1 of IEGC approved by the Commission. The relevant provisions are extracted below:

- “12(a). Weekly bills shall be issued to the constituents for UI charges, as per the UI settlement system. These bills shall have a higher payment priority and the concerned constituents shall pay the billed amounts within 10 (ten) days of the billing date.
13. If payments against the above bills are delayed beyond ten (10) days, the defaulting constituent shall have to pay simple interest @ 0.05% for each day of delay. The interest so collected shall be paid to the constituents/agency who had to receive the amount, payment of which got delayed.
14. All constituents shall furnish payment status of the above bills to the respective REB on monthly basis. The payment default, if any, shall be reported to CERC by respective REBs by 15th of the month to which they pertain”.

2. UI payments in Northern Region are being routed through a UI pool account operated by the petitioner on behalf of NREB. The payments received into the pool account are paid out by the petitioner within two working days to the constituents entitled to receive the same as per the UI accounts. It has been stated by the petitioner that the respondent has defaulted in making payments to the extent of Rs.1,06,86,76,834/- for the period from 24.2.2003 to 17.8.2003. The respondent had received UI charges up to 23.2.2003. However, thereafter it has started over-drawal of electricity, as a consequence of which it became liable to pay UI charges. The details of UI account pertaining to the respondent are extracted below:

Details of UI Accounts

Details of week	Description	Amount (Rs. in Lakh)
WEEK - 1 (From 01 Dec,02 to 01 Dec, 02)	Receivable	35.08
WEEK - 2 (From 01 Dec,02 to 08 Dec, 02)	Receivable	242.88
WEEK - 3 (From 09 Dec,02 to 15 Dec, 02)	Receivable	29.19
WEEK - 4 (From 16 Dec,02 to 22 Dec, 02)	Receivable	948.08
WEEK - 5 (From 23 Dec,02 to 29 Dec, 02)	Receivable	653.93
WEEK - 6 (From 30 Dec,02 to 05 Jan, 03)	Receivable	567.49
WEEK - 7 (From 06 Jan,03 to 12 Jan, 03)	Receivable	258.06
WEEK - 8 (From 13 Jan,03 to 19 Jan, 03)	Receivable	104.86
WEEK - 9 (From 20 Jan,03 to 26 Jan, 03)	Receivable	244.34
WEEK - 10 (From 27 Jan,03 to 02 Feb, 03)	Receivable	240.90

WEEK - 11 (From 03 Feb,03 to 9 Feb, 03)	Receivable	372.59
WEEK - 12 (From 10 Feb,03 to 16 Feb, 03)	Receivable	84.68
WEEK - 13 (From 17 Feb,03 to 23 Feb, 03)	Receivable	79.58
WEEK - 14 (From 24 Feb,03 to 02 Mar, 03)	Payable	(5.51)
WEEK - 15 (From 03 Mar,03 to 09 Mar, 03)	Payable	(33.07)
WEEK - 16 (From 10 Mar,03 to 16 Mar, 03)	Payable	(81.92)
WEEK - 17 (From 17 Mar,03 to 23 Mar, 03)	Payable	(236.06)
WEEK - 18 (From 24 Mar,03 to 30 Mar, 03)	Payable	(462.47)
WEEK - 19 (From 31 Mar,03 to 06 Apr, 03)	Payable	(356.51)
WEEK - 20 (From 07 Apr,03 to 13 Apr, 03)	Payable	(491.89)
WEEK - 21 (From 14 Apr,03 to 20 Apr, 03)	Payable	(338.97)
WEEK - 22 (From 21 Apr,03 to 27 Apr, 03)	Payable	(822.83)
WEEK - 23(From 28 Apr,03 to 04 May, 03)	Payable	(579.87)
WEEK - 24 (From 5 May,03 to 11 May, 03)	Payable	(464.94)
WEEK -25 (From 12 May,03 to18 May, 03)	Payable	(522.88)
WEEK-26 (From 19 May,03 to 25 May, 03)	Payable	(646.51)
WEEK -27(From 26 May,03 to 01 June, 03)	Payable	(675.23)
WEEK - 28(From 2 June 03 to 08 June, 03)	Payable	(1133.32)
WEEK -29(From 09 June,03 to 15 June, 03)	Payable	(801.22)
WEEK - 30 (From 16 June,03 to 22 June, 03)	Payable	(1187.95)
WEEK -31(From 23 June,03 to 29 June, 03)	Payable	(669.01)
WEEK -32 (From 30 June,03 to 06 July, 03)	Payable	(542.42)
WEEK - 33 (From 07 July,03 to 13 July, 03)	Payable	(132.19)
WEEK - 34 (From 14 July,03 to 20 July, 03)	Payable	(582.10)
WEEK - 35 (From 21 July,03 to 27 July, 03)	Payable	(700.51)
WEEK - 36(From 28 July,03 to 3 rd Aug, 03)	Payable	(628.68)
WEEK -37 (From 04 Aug,03 to 10 Aug, 03)	Payable	(2024.56)
WEEK - 38(From 11 Aug 03 to 17 Aug, 03)	Payable	(633.42)

Payable : Rs.147.54 crore

Receivables : Rs.38.62 crore

3. Accordingly, the petitioner has sought directions to the respondent as noted above.

4. Reply to the petition has been filed by the respondent. The respondent has acknowledged its liability to pay the UI charges as claimed. In the affidavit, the respondent as undertaken to clear the dues on account of UI charges due up to 28.9.2003, as per schedule given below:

Sl.No.	Payment in	Amount (Rs. in lakh)
1.	October 2003,	2,687.91
2.	November 2003	2,500.00
3.	December 2003	2,500.00
4.	January, 2004	3,000.00
5.	February, 2004	3,000.00
	TOTAL	13,687.91

5. We have heard Shri V.K. Agarwal, DGM, NRLDC on behalf of the petitioner and Shri D.D. Chopra, Advocate on behalf of the respondent. Shri Chopra submitted that the first instalment has already been remitted in favour of the petitioner. He submitted that the balance amount will be paid as per the schedule indicated. Shri Agarwal opposed the prayer.

6. We have considered the matter. We direct that arrears of Rs.13687.91 lakh on account of UI charges due up to 28.9.2003 shall be liquidated latest by 31.12.2003. As stated by Shri Chopra, the current dues shall be paid in accordance with Clause 12(a) reproduced above. We further direct that in case the respondent defaults in making payments on account of UI charges by 31.12.2003, it shall be liable to pay interest in accordance with Clause 13 ibid. The default in such cases shall be reckoned from the date UI charges became due as prescribed in Clause 12(a).

7. With this direction, the petition stands disposed of.

Sd/-
(K.N. SINHA)
MEMBER

Sd/-
(ASHOK BASU)
CHAIRMAN

New Delhi dated the 29th October 2003