

CENTRAL ELECTRICITY REGULATORY COMMISSION

RECORD OF PROCEEDINGS

Petition No. 132/2007 (Suo-motu)

Default in payment of UI charges for the energy drawn in excess of the drawl schedule.

- Coram** : Dr. Pramod Deo, Chairperson
Shri Bhanu Bhushan, Member
Shri R.Krishnamoorthy, Member
Shri S. Jayaraman, Member
- Date of hearing** : 11.11.2008
- Respondent** : Power Development Dept., Govt. of J&K.
- Present** : Shri Abdul Rashid, Chief Engineer, PDD, J&K.

This petition was heard pursuant to the order dated 10.10.2008. The Commission in the said order dated 10.10.2008 had directed imposition of penalty of Rs. one lakh on the respondent under Section 142 of the Electricity Act, 2003 (the Act), as the respondent had failed to pay monthly installments of Rs.111 crore for the months of July, August and September 2008, directed by the Commission's order dated 13.5.2008. It was also directed by the Commission that the entire amount payable up to the month of October 2008, including arrears, in terms of the order dated 13.5.2008 be paid latest by 31.10.2008. Besides, notice was issued under Section 149 of the Act to the Commissioner and Secretary, Power Development Department, Government of J&K directing him to show cause as to why penalty should not be imposed on him also and recovered accordingly.

2. Penalty of Rs. one lakh imposed on the respondent has been deposited by bank draft dated 25.10.2008. It was noted by the Commission that the respondent had intimated that an amount of Rs. 384 crore was paid against outstanding UI charges. NRLDC, however, informed the Commission that till 31.10.2008 an amount of Rs.199.98 crore only was received/cleared in the UI bank account. It was further noted by the Commission that no reply was filed by the Commissioner and Secretary, PDD, J&K in response to the show cause notice.

3. The Commission heard Shri Abdul Rashid, Chief Engineer, for the respondent. There was no satisfactory explanation for non-payment or non-clearance of the balance amount payable in terms of the Commission's order dated 10.10.2008. Further, Shri Rashid could not explain why penalty under Section 149 of the Act should not be imposed on the Commissioner and Secretary, PDD, J&K.

4. The Commission directed that the outstanding amount payable up to 31.10.2008, in terms of its earlier orders dated 13.5.2008 and 10.10.2008 be settled within one week. The Commission also granted one week's time to the Commissioner and Secretary, Power Development Department, J&K to submit his reply to the show cause notice. The Commission further directed that the Commissioner and Secretary, Power Development Department, J&K should be present in person on the next date of hearing.

5. The petition shall be re-notified for hearing on 27.11.2008.

Sd/-
(K.S.Dhingra)
Chief (Legal)