

CENTRAL ELECTRICITY REGULATORY COMMISSION

NEW DELHI

Petition No.261 of 2010

Coram: Shri S.Jayaraman, Member
Shri M. Deena Dayalan, Member

Date of Hearing: 28-10-2010

Date of Order: 3-12-2010

In the matter of:

Default in payment of Unscheduled Interchanges (UI) charges for the energy drawn in excess of the drawn schedule by Uttar Pradesh Power Corporation Ltd., Lucknow.

And

In the matter of:

Uttar Pradesh Power Corporation Ltd., Lucknow

..... **Respondent**

Advocates/Representatives present:

Ms Jyoti Prasad, NRLDC

ORDER

The Commission in its order dated 4.10.2010 had directed the Respondent as under:

"3. Northern Regional Load Despatch Centre has reported that net outstanding UI charges as on 31.08.2010 against U.P. was ₹ 524 crore, considering UI rates as per CERC regulations. Northern Regional Load Dispatch Centre (NRLDC) has also reported that total outstanding against U.P. was ₹ 296.05 crore as on 31.08.2010, towards UI payment including surcharge, considering the rates as per the interim order of the Hon'ble High Court of Allahabad.

4. From the above facts, it emerges that the respondent has not complied with the provisions of the UI regulations. The respondent is directed to show cause as to why action under Section 142 of the Electricity Act, 2003 should not be taken against it for non-compliance of the provisions of the UI regulations in regard to timely payment of UI charges."



2. Subsequent to the service of the notice, the Respondent filed C.M. No.108805 of 2010 in Writ Petition (M/B) No.10169/2009 in the Hon'ble High Court of Allahabad, Lucknow Bench seeking a stay of the proceedings before the Commission. On perusal of the C.M. No. 108805 of 2010, it came to the knowledge of the Commission that the above noted amount as calculated by NRPC was inclusive of 40% surcharge on UI charges from the date of the notification of the regulations till passing of the interim order of the Hon'ble High Court on 12.11.2009. The above calculation has apparently been made due to a bonafide understanding that the order of the High Court was prospective in its operation. After considering the averments made in the interim application of UPPCL and also the chart annexed therewith (Annexure 4), we feel that UPPCL was not required to pay the additional 40% UI charges in pursuance of the Hon'ble High Court's order dated 12.11.2009 during the operation of the interim order dated 12.11.2009.

3 We direct Northern Regional Power Committee to raise two bills - one as per the provisions of UI regulations for accounting purposes and the other strictly in accordance with the order of the Hon'ble High Court dated 12.11.2009 for payment by the Respondent.

4 Since the bills due for payment by the Respondent will be required to be raised afresh by the Northern Regional Power Committee as directed above, we drop the proceedings and discharge the notice against the Respondent. A copy of the order shall be endorsed to Northern Regional Power Committee and Northern Regional Load Despatch Centre.



5. Petition No.261 of 2010 is disposed of accordingly.

Sd/-

(M. Deena Dayalan)
Member

Sd/-

(S.Jayaraman)
Member

