

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No.324/MP/2018

Subject : Petition filed under Section 79(1)(b) of the Electricity Act, 2003 read with Article 7(2)(b) of the Power Purchase Agreement dated 26.12.2005

Petitioner : Udupi Power Corporation Ltd.

Respondents : Power Company of Karnataka Ltd. & ors.

Petition No. 325/MP/2018

Subject : Petition under Section 142 read with Section 79(1)(b) and (f) of the Electricity Act, 2003 read with Article 7.2(b) of the Power Purchase Agreement dated 26.12.2005

Petitioner : Udupi Power Corporation Ltd.

Respondents : Power Company of Karnataka Ltd. & ors.

Date of hearing : **20.12.2018**

Coram : Shri P.K.Pujari, Chairperson
Dr. M.K. Iyer, Member

Parties present : Ms. Poonam Verma, Advocate, UPCL
Ms. Abiha Zaidi, Advocate, UPCL
Shri Tarul Sharma, Advocate, UPCL
Shri Kumar Gaurav, UPCL
Shri Mehul, UPCL
Shri Arunav Patnaik, Advocate, PCKL
Shri Subodh Kumar, PCKL

Record of Proceedings

These Petitions are listed on admission today.

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Learned counsel for the Petitioner submitted that the present petition has been filed seeking directions to the Respondents for payment of the outstanding amount towards Late Payment Surcharge (LPS) along with interest.

2. The learned counsel for the Respondent, PCKL accepted notice on behalf of PCKL and prayed for time to file reply in the matter.

3. The Commission admitted the Petition and directed the Petitioner to serve copy of the Petition on the Respondent immediately, if not served already. The



Commission also directed the Respondents to file their replies by **14.1.2019**, with advance copy to the Petitioner, who may file its rejoinder, if any, by **21.1.2019**. Pleadings shall be completed by the parties within the due date mentioned above.

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4. This Petition has been filed by the Petitioner, UPCL seeking directions on the Respondents for compliance of the Commission's order dated 24.3.2017 in Petition No. 7/GT/2016 as regards payment towards infirm power.

5. During the hearing, the learned counsel for the Petitioner submitted that since Rs. 13.57 Cr. out of the principal amount outstanding towards infirm power, has been paid by the Respondents, the prayer for initiation of action against the Respondents under Section 142 of the Electricity Act, 2003 for non-compliance of the Commission's directions to the extent of payment made is not being pressed at this stage.

6. The Commission directed to issue notice to the Respondents who shall file their replies by **21.1.2019** with regard to the balance outstanding dues, with advance copy to the Petitioner, who may file its rejoinder, if any, by **28.1.2019**.

7. Matter shall be listed for hearing in due course for which separate notice shall be issued to the parties. Pleadings shall be completed by the parties within the due date mentioned above.

By order of the Commission

Sd/-
(T. Rout)
Chief (Law)

