

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 118/MP/2023
along with IA No. 31/2023

Subject : Petition under Section 79 (1) (f) of the Electricity Act, 2003 seeking quashing of the invoices dated 6.2.2023 and 6.3.2023 to the extent of interest component levied by the NTPC.

Petitioner : Punjab State Power Corporation Limited

Respondents : NTPC Limited

Date of Hearing: **24.4.2023**

Coram : Shri Jishnu Barua, Chairperson
Shri I.S. Jha, Member
Shri Arun Goyal, Member
Shri Pravas Kumar Singh, Member

Parties Present: Shri Amal Nair, Advocate, PSPCL
Ms. Shivani Verma, Advocate, PSPCL
Shri Venkatesh, Advocate, NTPC
Shri Ashutosh Srivastava, Advocate, NTPC
Shri Nihal Bhardwaj, Advocate, NTPC
Shri Kartikey Trivedi, Advocate, NTPC
Shri Shivam Kumar, Advocate, NTPC
Shri A.S. Pandey, NTPC
Shri Parimal Piyush, NTPC
Shri Shiv Bhawan, NTPC

Record of Proceedings

At the outset, learned counsel for the Respondent circulated copy of the screenshot of PRAAPTI portal with regard to invoice dated 6.2.2023 (of NTPC) and pointed out that the Petitioner had prayed for urgent interim orders in the matter on 20.4.2023 (on the ground of regulation of power supply by NTPC due to trigger date of invoice dated 6.2.2023, in terms of the LPS Rules, 2022), despite being fully aware that the said invoice was closed in PRAAPTI portal on 24.3.2023. He therefore submitted, on instructions, that the undertaking given on 20.4.2023, by the Respondent that it will not take any precipitative action on the Petitioner, in the matter, may be withdrawn. The learned counsel further submitted that while the Petitioner has disputed the total amount claimed by Respondent vide invoice dated 6.2.2023, in the present petition, the same is shown to have been paid in full by the Petitioner in the PRAAPTI portal. Accordingly, the learned counsel while stating that the Petitioner has not approached this Commission with clean hands, prayed that the



Commission, may take strict note of the conduct of the Petitioner and seek explanation from the concerned officials, for the perjury committed, in the present case.

2. On a specific query by the Commission as to whether the Petitioner had made full payments, as per invoice dated 6.2.2023, the learned counsel for the Respondent submitted that the cumulative interest of Rs 66.17 lakh, as per the said invoice, is yet to be paid by the Petitioner.

3. In response, the learned counsel for the Petitioner while objecting to the Respondent's submissions above, circulated a short compilation of documents and submitted that the Petitioner has no role in the management of PRAAPTI portal, as the same is managed by a third party, viz., PFC Consulting Ltd. He, however submitted that as the PRAAPTI portal permits the beneficiaries to enter remarks, the Petitioner had accordingly disputed the invoice dated 6.2.2023. The learned counsel while pointing out that Regulation 8(13) of the 2014 Tariff Regulations and Regulation 10(7) of the 2019 Tariff Regulations, provides for recovery or refund of the settlement amount in six equal monthly installments, submitted that except for NTPC, all other Central generating companies viz. NHPC, SJVNL, THDC etc., were accepting payment of the under-recovered amounts in six equal monthly installments, without further interest accruing in accordance with said Tariff Regulations. He added that the Petitioner may be permitted to place on record the relevant documents indicating the payments made by the Petitioner, in the past, to the said central generating companies/Transmission licensee (PGCIL), including the Respondent herein.

4. The learned counsel for the Respondent clarified that the Respondent, in the past, had raised invoices on the Petitioner, based on similar calculation (as done in the present case) and the Petitioner has made payments of the said amounts in full, without any protest. He added that the Respondent may also be permitted to file relevant documents/invoices, raised by the Respondent on the Petitioner, including the payments made by the Petitioner, in respect of some of its generating stations, wherein, it has been arrayed as a beneficiary.

5. After hearing the learned counsel for the parties, the Commission 'admitted' the petition. The Commission also observed that the undertaking given by the Respondent on 20.4.2023, that it will not take any precipitative action on the Petitioner, stands withdrawn. The learned counsel for the Petitioner however, prayed that the matter may be listed for hearing during May, 2023 as the trigger date of invoice dated 6.3.2023 is 21.5.2023.

6. The Petitioner is directed to submit additional information, on affidavit by an authorized competent person, on the following, by **3.5.2023**, after serving copy on the Respondent:

- (a) The circumstances as to how the invoice dated 6.2.2023 raised by Respondent was closed down in the PRAAPTI portal, on 24.3.2023, when admittedly, full payment of the said invoice, was not made by the Petitioner;



(b) Whether the fact of closure of the invoice dated 6.2.2023 (in PRAAPTI portal) was within the knowledge of the Petitioner, when the present Petition, was heard on 20.4.2023;

(c) The Petitioner and the Respondent shall file the relevant documents (*as prayed for by them in paras 3 and 4 above*).

7. The Respondent shall file its reply to the petition, on or before **10.5.2023**, with copy to the Petitioner, who may file its rejoinder, if any, by **14.5.2023**.

8. The Petition along with IA shall be listed for hearing on **16.5.2023**.

By order of the Commission

Sd/-
(B. Sreekumar)
Joint Chief (Law)

