

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No.26/MP/2023

- Subject : Petition under Section 79 including 79(1)(b), 79 (1)(f) and 79 (1)(k) of the Electricity Act 2003, with respect to the Power Purchase Agreement (PPA) dated 01.11.2013 executed between the Petitioner (DB Power Ltd.) and the Respondent No. 1 (PTC), and the Power Purchase Agreement dated 01.11.2013 executed between Respondent No. 1/ PTC and Respondent No. 2 to 5 seeking payment of the outstanding dues towards Late Payment Surcharge on account of delayed reimbursement of transmission charges/ Point of Connection Charges (POC) paid by the Petitioner to PGCIL on behalf of Respondents, in terms of the aforesaid PPA.
- Date of Hearing : 19.7.2023
- Coram : Shri Jishnu Barua, Chairperson
Shri I. S. Jha, Member
Shri Arun Goyal, Member
Shri P. K. Singh, Member
- Petitioner : DB Power Limited (DBPL)
- Respondents : PTC India Limited (PTCIL) and 4 Ors.
- Parties Present : Shri Buddy Ranganadhan, Advocate, DBPL
Ms. Supriya Rastogi, Advocate, DBPL
Ms. Lavanya Panwar, Advocate, DBPL
Shri Hemant Singh, Advocate, DBPL
Shri Ravi Kishore, Advocate, PTCIL
Shri Keshav Singh, Advocate, PTCIL
Shri Dhruv Tripathi, PTCIL
Ms. Swapna Seshadri, Advocate, Rajasthan Discoms
Ms. Shivani Verma, Advocate, Rajasthan Discoms

Record of Proceedings

During the course of the hearing, learned counsels for the Petitioner and the Respondents, PTCIL. and Rajasthan Discoms made detailed submissions in the matter.

2. Considering the request of learned counsel for the parties, the Commission permitted the parties to file their respective written submissions in the matters within three weeks.

3. The Commission directed the Petitioner to file the following information on an affidavit within three weeks:



(a) Under which clause of the PPA have the LPS bills been raised on account of reimbursement of transmission charges by PTC India Limited?. Timeline to reimburse the transmission charges as per the PPA?

(b) There is a gap in the bills for the reimbursement of transmission charges raised by the Petitioner to PTC and the invoice raised by PTC to Discoms. Furnish the month-wise detail of the date of bills raised by CTUIL, payment of transmission charges made to CTUIL, bills raised to PTC for reimbursement. and date when it received the reimbursement from PTC as per the following table for the entire disputed period:

S. No.	Billing month	Date of Bill raised by CTUIL	Bill Amount	Bill due date	Date of payment by the Petitioner to CTUIL	Date of Raising of reimbursement bills by the Petitioner to PTC	Bill amount	Bill due date	Date of receipt of the payment from PTC to the Petitioner

4. The Respondent PTC is directed to file the following information on an affidavit within three weeks:

(a) Month-wise detail of payment made to the Petitioner and the bills raised to the Rajasthan Discoms as per the following for the disputed period:

S. No.	Billing month	Date of reimbursement Bill raised by the Petitioner to PTC	Bill amount	Date of raising reimbursement bill to Rajasthan Discoms	Bill Amount	Date of receipt of payment from Rajasthan Discoms	Date of Payment remitted to the Petitioner

(b) Article 6.5 of the PTC-PPA provides that all payments, including the tariff payment, shall be released by PTC without linking them with the payment from the procurer. Clarify the process followed by PTC for reimbursement of the monthly transmission charges to the Petitioner.

(c) Whether Late Payment Surcharge is leviable to Rajasthan Discoms if they have delayed reimbursement of the transmission charges to the PTC.

5. Learned counsels agreed that any further oral hearing may not be required, subject to the above, the Commission reserved the matter for order.

By order of the Commission

**Sd/-
(T.D. Pant)
Joint Chief (Law)**