

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 243/MP/2022**

**Coram:**

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

**Date of Order: 31<sup>st</sup> May, 2023**

**In the matter of**

Petition under Section 79(1)(f) of the Electricity Act, 2003 for recovery of Late Payment Surcharge on the Monthly Bills of the Petitioner.

**And**

**In the matter of**

DB Power Limited.,  
Office Block 1A, 5thFloor, Corporate Block, DB City Park,  
DB City, Arera Hills, Opposite MP Nagar, Zone-I,  
Bhopal-462016

**.... Petitioner**

**Vs**

1. Telangana State Power Co-ordinate Committee,  
Chief Engineer (Commercial)/TSPCC  
Room no. 455, 'A' Block Vidyuth Soudha,  
Khairathabad Hyderabad- 500082
2. Southern Power Distribution Company of Telengana Limited,  
Corporate Office: # 6-1-50, Mint Compound,  
Hyderabad – 500063
3. Northern Power Distribution Company of Telengana Limited,  
Corporate Office: # 6-1-50, Mint Compound,  
Hyderabad – 500063

**.... Respondents**

**Parties present:**

Ms. Nishtha Wadhwa, Advocate, DBPL  
Shri D Abhinav Rao, Advocate, TSPCC, SPDCL & NPDCL  
Shri Rahul Jajoo, Advocate, TSPCC, SPDCL & NPDCL



## **ORDER**

Petition No. 243/MP/2022 has been filed by DB Power Limited (DBPL) under Section 79(1)(f) of the Electricity Act, 2003, for recovery of Late Payment Surcharge on the Monthly Bills of the Petitioner. Accordingly, the Petitioner has prayed for the following reliefs:

- (a) Direct the Respondents to pay the amount of Rs. 4,05,69,097.00 (Rupees four crore five lakh sixty-nine thousand ninety-seven only) to the Petitioner towards Late Payment Surcharge;
- (b) Direct the Respondents to pay further amount that may accrue till the disposal of the present Petition; and
- (c) Pending the final adjudication of the present petition, pass an ex-parte ad interim order, directing the Respondents to forthwith make payment of at least 75% of the above amount to the Petitioner.

### **Submissions of the Petitioner**

2. The Petitioner has submitted that on 19.3.2019, a request for proposal (RFP) was issued, whereby the Telangana State Power Coordination Committee (TSPCC/Respondent No. 1 herein), on behalf of the TSDISCOMs (TSSPDCL & TSNPDCL), invited proposals for the purchase of 1000 MW RTC power for the period from July, 2019 to March, 2020 on a Short-Term basis through the National e-bidding portal (DEEP portal). It has been submitted that in response to the said RFP, the Petitioner had submitted its bid, which was revised owing to discussions between the parties. The Petitioner has stated that on 27.5.2019, the Respondent No. 1 issued a Purchase Order (PO) to the Petitioner, being a successful bidder, and expressed its intent to purchase 100 MW RTC power from the Petitioner's Power Plant for the period from 1.8.2019 to 30.11.2019 @ 4.97 Rs/Kwh. The Petitioner has also submitted that since October 2019,



Respondent No. 1 has delayed the payment of the Petitioner's Monthly Bills which include energy bills, compensation bills and open access bills (as stated in the petition) beyond their respective due dates, thereby making itself liable to pay the Late Payment Surcharge (LPS) in terms of the provisions of the PO. It has further been stated that on account of the inordinate delay in payment of Petitioner's Monthly Bills, the Petitioner made several correspondences to the Respondent No. 1 requesting that the Petitioner's dues be cleared. The Petitioner has added that it was only after continuous persuasion and numerous correspondences that the Respondent No. 1 kept on gradually paying the principal amounts of the pending bills, and it was finally on 26.3.2021, that the Respondent No. 1 cleared the principal amounts of all the bills raised by the Petitioner. However, the Respondent No. 1 failed to pay any amount towards the Late Payment Surcharge. Since the Respondent No.1 has failed to discharge its liability towards the payment of LPS, the Petitioner has filed the petition and sought the reliefs mentioned in paragraph 1 above.

### **Hearing dated 14.2.2023**

3. The matter was heard on 14.2.2023 on 'admission'. The Commission, after hearing the learned counsel for the Petitioner, admitted the Petition, with directions to issue notice to the Respondents and for completion of pleadings. None of the Respondents have filed replies in the matter.

### **Hearing dated 29.5.2023**

4. During the hearing of the Petition on 29.5.2023, the learned counsel for the Petitioner sought permission to withdraw the Petition on the ground that the



parties have settled the matter. This was also affirmed by the learned counsel for the Respondents.

5. In view of the submissions of the learned counsel for the Petitioner, the Petitioner is permitted to withdraw the present Petition. Accordingly, Petition No. 243/MP/2022 is disposed of as withdrawn.

**Sd/-**  
**(Pravas Kumar Singh)**  
**Member**

**Sd/-**  
**(Arun Goyal)**  
**Member**

**Sd/-**  
**(I.S. Jha)**  
**Member**

**Sd/-**  
**(Jishnu Barua)**  
**Chairperson**

