

**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 : 20.4.2023
- 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 Hemant Singh, Advocate, DBPL  
Ms. Supriya Rastogi, Advocate, DBPL  
Shri Chetan Garg, Advocate, DBPL  
Shri Lakshyajit Singh Bagdwal, Advocate, DBPL  
Shri Ravi Kishore, Advocate, PTCIL  
Shri Keshav Singh, Advocate, PTCIL  
Shri Dhruv Tripathi, Advocate, PTCIL

**Record of Proceedings**

Learned counsel for the Petitioner submitted that the present Petition has been filed seeking appropriate directions upon the Respondent No.1, PTCIL for releasing the payment of Rs.20,39,79,703/- outstanding as on 30.11.2022 towards Late Payment Surcharge (LPS) accrued in favour of the Petitioner on account of delayed reimbursement of transmission charges/Point of Connection charges paid by the Petitioner to Power Grid Corporation of India Limited (PGCIL) on behalf of the Respondents, with further interest. Learned counsel submitted that from January, 2019, the Respondents started defaulting in making the timely reimbursement of the transmission charges/Point of Connection charges, on their behalf, in terms of the provisions of the agreement(s) between the parties and despite the Petitioner having repeatedly requested PTCIL to release the outstanding payment towards LPS, it has failed to release the LPS.

2. Learned counsel for the Respondent, PTCIL accepted the notice and sought time to file reply to the Petition. Learned counsel further submitted that the

agreement(s) between the parties provide for making payment towards transmission charges/Point of Connection charges only on reimbursement basis and as such do not provide any timeline for making such payment. Learned counsel pointed out that the delay in reimbursing the transmission charges/Point of Connection charges had been on the part of the Respondent Nos. 2 to 5 i.e. Rajasthan Discoms.

3. After hearing the learned counsel for the Petitioner and the Respondent, PTCIL, the Commission ordered as under:

(a) Admit. Issue notice to the Respondents.

(b) The Petitioner to serve copy of the Petition on the Respondents immediately, if not already served and the Respondents to file their reply, if any, within three weeks with copy to the Petitioner who may file its rejoinder within three weeks thereafter.

(c) Parties to comply with the above direction within the stipulated timelines and no extension of time shall be granted.

4. The Petition shall be listed for hearing on 19.7.2023.

**By order of the Commission**

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