

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 185/MP/2021

- Subject** : Petition under Section 79 (1)(b), 79 (1)(f) and 79 (1)(k) of the Electricity Act, 2003, read with Articles 8.6.7 of the PPA dated 15.03.2016 executed between the RKM Powergen Private Ltd and UPPCL, to direct the Respondent to make payments of the amounts outstanding in terms of the PPA on account of (i) Late Payment Surcharges and (ii) reimbursement of the illegally deducted penalty for short supply of power.
- Date of Hearing** : **26.5.2022**
- Coram** : Shri I.S. Jha, Member
Shri Arun Goyal, Member
Shri Pravas Kumar Singh, Member
- Petitioner** : RKM Powergen Private Ltd.
- Respondents** : UPPCL & 5 Ors.
- Parties present** : Shri Sanjay Sen, Senior Advocate, RKM PPL
Shri Hemant Singh, Advocate, RKM PPL
Ms. Supriya Rastogi Agarwal, Advocate, RKM PPL
Ms. Roberta Ruth Elwin, Advocate, RKM PPL
Ms. Alchi Thapliyal, Advocate, RKM PPL
Shri Sitiesh Mukherjee, Advocate, UPPCL
Shri Abhishek Kumar, Advocate, UPPCL
Shri Karan Arora, Advocate, UPPCL

Record of Proceedings

The case was called out for virtual hearing.

2. The learned Senior counsel for the Petitioner submitted that the present petition has been filed seeking directions upon the Respondent UPPCL to make payments outstanding, in terms of the PPA dated 15.3.2016, on account of (i) Late Payment Surcharge (LPS) and (ii) reimbursement of illegally deducted penalty for short supply of power. He, however, submitted that since the issue of payment of LPS has been resolved between the parties, the said relief is not being pressed for by the Petitioner.

3. The Commission after hearing the learned counsel for the Petitioner, directed as under:

- (a) Admit. Issue notice to Respondents.
- (b) Respondents shall file their replies by 17.6.2022, after serving copy on the Petitioner, who may file its rejoinder, if any, by 27.6.2022.



(c) Parties shall complete the pleadings within the due dates mentioned and no extension of time shall be granted for any reason.

4. Matter shall be listed for hearing in due course for which separate notice will be issued to the parties.

By order of the Commission

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

