

Sub: In the matter of petition under Section 142 of the Electricity Act, 2003 for non-compliance, by the Respondent, of the directions passed by the Commission in its order dated 18.02.2016 passed in Petition No. 71 of 2015

ORDER

(Date of hearing: 24th January,2017)

(Date of order: 25th February,2017)

M/s Orange Mamatkhedha Wind Pvt. Ltd., - Petitioner
F-9, First Floor, Manish Plaza 1,
Plot No. 7, MLU, Sector-10,
Dwarka, New Delhi-110 075

M.P. Power Management Co. Ltd., - Respondent
Block No. 11, 3rd Floor, Shakti Bhawan,
Rampur, Jabalpur- 482008

Shri Parinay Deep Shah, Advocate appeared on behalf of the petitioner.
Shri Manoj Dubey, Advisor (Law) appeared on behalf of the respondent.

2. The petitioner, M/s Orange Mamatkhedha Wind Pvt. Ltd. has filed this petition under Section 142 of the Electricity Act, 2003 for non-compliance, by the respondent, of the directions passed by the Commission in its order dated 18.02.2016 passed in Petition No. 71 of 2015. The petitioner has mainly prayed as under:

- (a) To direct the respondent to clear all outstanding dues including the payment for the delayed payment surcharge of the petitioner forthwith in terms of the Commission's order dated 18.02.2016, the PPA/tariff order within a specified period of time;
- (b) To direct the respondent to open letters of credit in favour of the petitioner to secure the invoices issued (i.e. outstanding) and invoices to be issued by the petitioner in terms of the Tariff Order and Order dated 18.02.2016;
- (c) To issue show cause notice to the respondent and initiate penalty proceedings for non-compliance of the order dated 18.02.2016 in Petition No. 71/2015 under Section 142 of the Electricity Act, 2003.

3. The case was listed for hearing on 18.10.2016. The Commission admitted the petition for hearing and the next date of hearing was fixed for 22.11.2016.

4. During the hearing on 22.11.2016, the respondent submitted that the payment of the bills, having due date till August, 2016, has been made to the petitioner. The petitioner sought time for filing rejoinder to the petition. The Commission allowed for the same and the next date of hearing was fixed for 24.01.2017. The petitioner filed a rejoinder on 30.12.2016.

5. During the hearing on 24.01.2017, the petitioner stated that the respondent has not complied with the orders of the Commission. The respondent could not reply as to why they

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could not make the payment of outstanding amount. The respondent is making payment early to the developers who are withdrawing delayed payment surcharge. During the hearing, the respondent submitted that the petitioner is being paid the principal amount and the amount of surcharge is not being paid due to the severe financial crunch. He further stated that the payment position is improving gradually but it is subject to the liquidity. During the hearing, the respondent also requested to allow them to file written submissions within ten days. The Commission allowed time till 6.2.2017 to the petitioner. But till 22.02.2017, the respondent has not filed the aforesaid written submissions.

6. Having heard the petitioner and the respondent and on considering their written submissions filed, the Commission directs the respondent to make the payment as mentioned in the order dated 18.02.2016 passed in Petition No. 71/2015 in terms of the provisions of the tariff orders issued from time to time. The respondent is also directed to submit before the Commission, a statement by 15.04.2017 positively indicating the status of the outstanding amount of invoices in respect of developers of WEGs along with the reasons of delay in making payments to them.

7. In view of the above, the petition no. 54 of 2016 stands disposed of.

Ordered accordingly.

(Alok Gupta)
Member

(A.B.Bajpai)
Member

(Dr. Dev Raj Birdi)
Chairman