

COURT-II

**Before the Appellate Tribunal for Electricity
(Appellate Jurisdiction)**

IA No. 457 of 2015 in A. No. 315 of 2013

Dated: 10th December, 2015

**Present: Hon'ble Mr. Justice Surendra Kumar, Judicial Member
Hon'ble Mr. T. Munikrishnaiah, Technical Member**

In the matter of:-

M/s Torrent Power Ltd.	...	Appellant(s)
Versus		
Central Electricity Regulatory Commission & Ors.	...	Respondent(s)
And		
Power Grid Corporation of India Ltd.		Applicant/Respondent No.3

Counsel for the Appellant(s) : Mr. Apoorva Misra &
Mr. Abhishek Munot

Counsel for the Respondent(s) : Mr. Sitesh Mukherjee
Ms. Akansha Tyagi &
Mr. Gautam Chawla for R-3

ORDER

Interlocutory Application No. 457 of 2015 in the already decided Appeal No. 315 of 2013 has been moved by the respondent no.3/PGCIL seeking some more time to refund the amount of Inter Regional Link Charges as ordered vide the judgment of this Tribunal dated 20th August, 2015 directing the PGCIL to refund the Inter Regional Link charges, if any, recovered from the appellant, namely, M/s. Torrent Power Ltd within three months failing which it shall be liable to pay interest @ 9% per annum till the date of actual refund. Not only this, even the Central Commission was expected to ensure compliance of this order positively. The ground for grant of extension of time as mentioned in the said IA is that Western Regional Power Committee has to do the work of revising the Inter State Link charges and thereafter the bill can be raised by the PGCIL for the said recovery. Though, Western Regional Power Committee (WRPC) was respondent no.2 in the main Appeal which we decided, the WRPC did not take due

care and caution to comply and obey our judgment regarding refund of the Inter Regional Link Charges and knowingly delayed the matter till 17th November, 2015 by which date the WRPC was to revise the said charges. As per the facts mentioned in the said application, it was on 19th November, 2015 the PGCIL raised the bill and sent the same to the concerned authorities. The problem, what PGCIL is facing in the said refund, is that as per Regulation No. 35 of CERC (Terms and Conditions of Tariff) Regulations, 2009 by virtue of which after lapse of 60 days, late payment surcharge can be levied. Without going into the complexities of the matter, we deem it proper to direct the PGCIL to refund Inter Regional Link Charges to the appellant by 20th January, 2016 failing which it shall be liable to pay interest @ 9% per annum till the date of actual refund from the date of our main judgment dated 20th August, 2015 without any re-consideration of the matter on any score henceforth. Accordingly, I.A. No. 457 of 2015 is disposed of.

(T. Munikrishnaiah)
Technical Member

(Justice Surendra Kumar)
Judicial Member

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