

COURT-I

**IN THE APPELLATE TRIBUNAL FOR ELECTRICITY
(Appellate Jurisdiction)**

IA NO. 424 OF 2019 IN APPEAL NO. 89 OF 2019
AND
IA NO. 442 OF 2019 IN APPEAL NO. 103 OF 2019 &
IA NOS. 1691 & 1740 OF 2019

Dated : 19th September, 2019

**Present: Hon'ble Mrs. Justice Manjula Chellur, Chairperson
Hon'ble Mr. Ravindra Kumar Verma, Technical Member**

In the matter of:

M/s Bhadreshwar Vidyut Private LimitedAppellant(s)
Versus
Maharashtra Electricity Regulatory Commission & Anr.Respondent(s)

Counsel for the Appellant(s) : Mr. Basawa Prabhu S. Patil, Sr. Adv.
Mr. Hemant Singh
Mr. Tushar Srivastava
Ms. Soumya Singh

Counsel for the Respondent(s) : Mr. Ashish Singh
Mr. Anup Jain
Ms. S. Rama for R-2

ORDER

Heard Appellant as well as Respondent Discom. The main grievance seems to be not extending prompt payment incentives to the captive consumers of Appellant captive generating plant. We have gone through the details of bills filed along with the application at page 80 bill for December 2018 pertaining to one M/s Supreme Industries Limited Unit-3. The bill indicates as under:-

BILL DATE	01-01-2019	6,79,46,500.00
DUE DATE	15-01-2019	
IF PAID UPTO	07-01-2019	6,74,94,430.00
IF PAID AFTER	15-01-2019	6,85,40,970.00

The details for arriving at figure 6,79,46,500.00 is at page 81 which includes principle arrears and interest on arrears and reads as under:-

Current Interest	31/12/2018	0.00
Principle Arrears		2,22,44,721.08
Interest Arrears		0.00
Total Bill (Rounded) Rs.		6,79,46,500.00
Delayed Payment Charges Rs.		5,94,469.03
Amount Payable After 15-01-2019		68540970
Amount Rounded to Nearest Rs. (10/-)		

The contention of the Appellant is, if the principle arrears and the interest on the arrears not paid, the so called prompt payment incentive is not applicable to the Appellant but Respondent Discom strenuously contends that the said benefits granted so far as the total current bill of Rs. 4,57,01,777.32 is concerned.

We also note that at page 80 last receipt date and amount shown but it does not reflect whether prompt payment discount benefit was extended or not. Similarly at page 82 we see the last receipt date as the date much prior to the date indicated in the bill and the current bill was paid. However, we do not find prompt payment discount benefit being extended. According to

Respondent Discom as per the list furnished this consumer was not given such benefit but reasons would be placed on record.

In the above circumstances, we direct the Respondent Discom to place on record how prompt payment discount benefit is reflected in the bills of the consumers with reference to 1 to 30 consumers of Appellant captive generating unit.

At page 81 we note that 5,94,469.03 was charged as delayed payment charges. According to Appellant this delayed payment charges is being charged every month in respect of principle arrears and interest on principle arrears which is the subject matter of dispute for which stay is granted.

We direct the Respondent Discom to clarify by way of affidavit this delayed payment charges whether it is with reference to amount shown as current or principle arrears, with advance copy.

List the IA for hearing on **03.10.2019**.

(Ravindra Kumar Verma)
Technical Member

mk/pk

(Justice Manjula Chellur)
Chairperson