

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

APPEAL No. 64 of 2009

I.A. No. 159 of 2009

Dated 23rd April, 2009

**Present : Hon'ble Mr. Justice M. Karpaga Vinayagam, Chairperson
Hon'ble Mr. A.A. Khan, Technical Member**

**Power Development Department, Government of
Jammu & Kashmir**

.....Appellant(s)

Vs.

Central Electricity Regulatory Commission & Anr.

...Respondent(s)

Counsel for the Appellant(s) : Mr. Pradeep Misra
Mr. Daleep Kr. Dhayani
Mr. K.K. Gupta

Counsel for the Respondent (s) : Mr. B.Sreekumar, Asst. Chief (L)
for CERC

ORDER

Today, it is reported by the learned Counsel for the Appellant as directed by this Tribunal by the order dated 15th April, 2009, Rs. 1 lakh penalty has been paid on 21st April, 2009 and the Secretary also appeared before the Commission on 16th April, 2009 as directed by the Central Commission. Now Mr. B. Sreekumar, Asst. Chief (L), the representative of the Central Commission has appeared and produced the copies of the proceedings which was held on 16th April.

The perusal of the proceedings would indicated that Secretary submitted before the Commission that it was willing to make payment of the power purchase bills and the Appellant required some time for making the payment. In view of the statement made by the Secretary, the Commission directed the Secretary to file a detailed affidavit, indicating the proposal for settlement of the interest payable on account of UI (Unscheduled Interchanges) charges, within a week.

The Counsel for the Appellant would submit that Secretary will file the said proposal on before the 30th April, 2009. If it is filed, the Commission may consider the same after taking into consideration all the circumstances mentioned in the affidavit and pass the appropriate orders by providing some time for making the said payment.

With these observations, **the Appeal is disposed of.**

(A.A.Khan)
Technical Member

(Justice M. Karpaga Vinayagam)
Chairperson