

Before

UTTARAKHAND ELECTRICITY REGULATORY COMMISSION

In the matter of:

Dispute between UJVN Ltd. and Uttarakhand Power Corporation Limited (UPCL)
relating to payments.

And

In the matter of:

Managing Director, UJVN Ltd.,Petitioner
"UJJWAL", Maharani Bagh, G.M.S. Road, Dehradun

&

Managing Director, Uttarakhand Power Corporation Limited (UPCL) Respondent
Victoria Cross Vijeta Gabar Singh Bhawan, Kanwali Road, Dehradun

Coram

Shri C.S. Sharma

Member-Chairman

Shri K.P. Singh

Member

Date of Hearing: May 15, 2014

Date of Order: May 16, 2014

Heard the Petitioner and Respondent in the matter.

The Commission enquired from the Petitioner to submit whether any dispute is made out or not, and whether there is any denial of the said outstanding payments from the Respondent to which the Petitioner submitted that its outstanding dues have not been cleared since 2004 by the Respondents and there is a controversy regarding the outstanding payments between the two parties and any case or controversy touching the legal relations of the parties comes under the definition of dispute in the legal parlance. Further, the Petitioner also submitted that the denial exists in the conduct of Respondent towards these outstanding dues of the Petitioner which have not been cleared since 2004.

The Petitioner also submitted that under section 86(1)(f) of the Electricity Act, 2003, the Commission has powers to adjudicate any or every dispute arising between the

licensees and generating companies and accordingly, requested the Commission to admit the Petition.

The Commission enquired from the Respondent whether the claims made by the Petitioner are correct. In response to this, the Respondent submitted that the claims of Petitioner are correct and there is no dispute on the amounts claimed by UJVN Ltd. The Respondent further submitted that due to shortage of funds, it is not in a position to pay the outstanding payments; however, it is clearing the current liabilities and making the payments of current bills of the Petitioner.

In light of above, it is ordered that:

- (1) The Petition be admitted.
- (2) Being one of the beneficiary M/s HPSEB be also made respondent in the matter and the Commission's staff is directed to forward a copy of the Petition to HPSEB.
- (3) The Commission's staff is also directed to send notices to both the respondents- UPCL and HPSEB to file replies by 20th June 2014.
- (4) Both the Respondents should also forward copies of their replies to the Petitioner by aforesaid date.

Ordered accordingly.

(K.P. Singh)
Member

(C.S. Sharma)
Member-Chairman