

Delhi Electricity Regulatory Commission
Viniyamak Bhawan, 'C' Block, Shivalik, Malviya Nagar, New Delhi- 110 017

F.11(1434)/DERC/2016-17/5537

Petition No. 51/2016

Under section 142 of the Electricity Act, 2003

In the matter of:

1. Indraprastha Power Generation Co. -Ltd.

Through its: **Director (Tech.)**

Himadri

Rajghat Power House Complex,

New Delhi 110 002

2. Pragati Power Corporation Ltd.

Through its: **Director (Tech.)**

Himadri

Rajghat Power House Complex,

New Delhi 110 002

.....**Complainant**

VERSUS

Tata Power Delhi Distribution Ltd.

Through its: **M.D**

Grid Sub – Station Building,

Hudson Lines, Kingsway Camp

New Delhi – 110009

.....**Respondent**

Coram:

Sh. B.P. Singh, Member

Appearance:

1. Shri Anand K Ganesan, Counsel for the Petitioner;

2. Shri R.K. Yadav, AGM (Comml.), IPGCL;

3. Shri Rajesh Chattarwal, DM (Comml.), IPGCL;

4. Shri Amarjyoti, Sr. Mgr (Comml);

5. Shri Anurag Bansal, DGM, Corp legal, TPDDL;

6. Shri Rahul Kinsa, Counsel for the Respondent,

7. Shri Vishal Anand, Counsel for the Respondent,

8. Shri Sumit, DGM, TPDDL;

9. Shri Divyanshu, Corp Legal, TPDDL.

INTERIM ORDER

(Date of Hearing: 27.04.2017)

(Date of Order: 01.05.2017)

1. The instant petition has been filed by IPGCL and PPCL u/s 142 and read with 86(1) (K) of the Electricity Act, for non compliance of Order dated 18.12.2015 issued by the Commission in Petition No. 61/2014 and review Petition No. 18/2016 against Tata Power Delhi Distribution Ltd.
2. The matter was listed for hearing in the Commission, which was attended by both the parties. The counsel for the petitioner submitted that the Commission vide order dated 18.12.2015 directed TPDDL to furnish LC and also observed that it was not correct on part of TPDDL to go beyond the terms of PPA and demand 0.1% additional rebate for establishing LC. Further, TPDDL filed Review Petition seeking review of order dated 18.12.2016. Consequent to the above said impugned orders the Petitioners have sent various reminders to TPDDL to establish and maintain thereafter Letter of Credit. However, M/s TPDDL has neither complied with the Orders nor responded to the letters sent by the Petitioner. He further submitted that the Respondent may be penalized under Section 142 for violation of the order of the Commission.
3. On the query of the Commission that whether the Petitioner has resorted to necessary steps available in PPA to enforce the terms of PPA and does it have any efficacious remedy in this regard.
4. The counsel for the Petitioner submitted that any unilateral decision cannot be taken in respect of PPA because public interest is involved and there are certain judgements of the Supreme Court which provide that it is a duty of regulator to see and adjudicate disputes between licensees. Accordingly, in the instant case it would not be prudent for the Petitioner to regulate the

power supply or to terminate the PPA as it would be against the public interest. The counsel of the Petitioner sought permission of the Commission to file its written submission which would justify intervention of the Commission in such matters.

5. The Commission directed the Petitioner to file written submission within a week and adjourned the matter.

6. Order accordingly.

Sd/-
(B. P. Singh)
Member