



Delhi Electricity Regulatory Commission
Viniyamak Bhawan, 'C' Block, Shivalik, Malviya Nagar, New Delhi – 17

No. F. 11(1501)/DERC/2017-18/

Review Petition No. 44/2017

In the matter of: Petition seeking Review of order dated 29.09.2015 disallowing power purchase cost of Anta, Auriaya and Dadri Gas based stations.

BSES Rajdhani Power Limited
Through its: **CEO**
BSES Bhawan, Nehru Place,
New Delhi-110019

...**Petitioner**

Review Petition No. 45/2017

In the matter of: Petition seeking Review of order dated 29.09.2015 disallowing power purchase cost of Anta, Auriaya and Dadri Gas based stations.

BSES Yamuna Power Ltd.
Through its: CEO
Shakti Kiran Building, Karkardooma
New Delhi 110 032

...**Petitioner**

Coram: Sh. B. P. Singh, Member

Appearance:

1. Mr. Buddy Ranganadhan, Adv., BRPL & BYPL
2. Mr. Malvika Prasad, Adv.
3. Mr. Hasan Murtaza, Adv.
4. Mr. Rajeev Chowdhury, BRPL
5. Mr. Ravi Shandilys, BTPL
6. Mr. Kanishk, BRPL
7. Mr. Gagan Swain, BYPL
8. Ms. Prachi Jain, BYPL
9. Mr. Abhishek Srivastava, BYPL

INTERIM ORDER

(Date of Hearing: 24.10.2017)
(Date of Order: 31.10.2017)

1. The Instant petitions have been filed by M/s BRPL and BYPL for review of the Order dated 29.09.2015 disallowing Power Purchase Costs from Anta, Auriaya and Dadri Gas Stations.

2. The Counsel for the petitioners submitted that:
 - i. The Anta, Auriya and Dadri gas based stations are part of the consolidated Power Purchase Agreement dated 05.06.2008 entered into with NTPC Ltd. The APTEL in its judgment dated 24.01.2013 in Appeal No. 82 of 2012 and 90 of 2012, inter-alia, recognized that the petitioners have "signed a single consolidated PPA for all the generating stations dated 05.06.2008" owned by NTPC Ltd. and upheld the provision of consolidated letter of credit.
 - ii. NTPC Ltd. in its letter dated 28.09.2015, 21.01.2016 and 21.06.2017 has stated that the petitioners would be bound to be liable to pay the applicable tariff for Anta, Auriya and Dadri gas stations and in the event of non-payment of dues NTPC Ltd. would be constrained to take action in terms of the CERC (Regulation of Power Supply), Regulations, 2010.
 - iii. The disallowance in the Order dated 29.09.2015 has led NTPC to threaten to withdraw power allocation from its other power stations which are part and parcel of the same one single consolidated PPA.
3. The Counsel for the petitioners further submitted that it has filed appeal before the Hon'ble APTEL challenging the order dated 29.09.2015 against the disallowance of the procurement for FY 2012-13, FY 2013-14 as well as the rate at which the Commission has allowed the procurement for the said period. However, they have not filed any appeal against the disallowance of procurement of power from the said stations for future periods nor have preferred any review so far against the disallowance of procurement for future periods.
4. After hearing the arguments advanced by the Ld. Counsel this Commission is of the view that certain issues raised by the petitioners may require a view from NTPC therefore NTPC should be made a party to these petitions. Notice may be issued to NTPC. The petitioners are directed to provide a copy of the petition to NTPC within one week and NTPC may file its response within two weeks thereafter, with an advance copy to the petitioner.
5. The next date of hearing will be intimated in due course.

Sd/-
(B. P. Singh)
Member