



DELHI ELECTRICITY REGULATORY COMMISSION
Viniyamak Bhawan, 'C' Block, Shivalik, Malviya Nagar, New Delhi- 110017.

F.11(1383)/DERC/2016-17/5253

PETITION NO. 24/2016

In the matter of : Seeking directions regarding the bills/invoices raised with respect to the expired Power Purchase Agreement with IPGCL

BSES Yamuna Power Ltd.
Through its: **CEO**
Shakti Kiran Building,
Karkardooma
New Delhi – 110092

....Petitioner

Vs.

1. Indrapasth Power Generation Co. Ltd.
Through its Director (T)
Rajghat Power House,
Office Complex,
New Delhi 110 002

2. State Load Despatch Centre
Delhi Transco Limited
33KV Sub Station Building,
Minto Road,
New Delhi 110 002

...Respondent

PETITION NO. 28/2016

In the matter of : Seeking directions regarding the bills/invoices raised with respect to the expired Power Purchase Agreement with IPGCL

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

....Petitioner

Vs.

1. Indrapasth Power Generation Co. Ltd.
Through its Director (T)
Rajghat Power House,
Office Complex,
New Delhi 110 002

2. State Load Despatch Centre
Delhi Transco Limited
33KV Sub Station Building,
Minto Road,
New Delhi 110 002

...Respondent

Coram:

Sh. B.P. Singh, Member

Appearance:

1. Mr. Buddy Ranganathan, Advocate, BRPL & BYPL
2. Ms. Malvika Prasad, Advocate, BRPL & BYPL
3. Mr. Abhishek Srivastava, BYPL
4. Mr. Sameer Singh, BYPL
5. Mr. Nishant Grovar, BYPL
6. Mr. Dilip Pandey, BYPL
7. Mr. Ravi, BRPL
8. Mr. Abhishek, BRPL
9. Mr. R.K. Yadav, IPGCL
10. Mr. Rajesh Chattarwal, IPGCL
11. Mr. Amit Nagpal, IPGCL

INTERIM ORDER

(Date of Hearing: 19.09.2017)

(Date of Order: 06.10.2017)

1. The petitioners have filed the present petitions regarding the bills/invoices raised by the Respondent No. 1 viz. IPGCL against the expired Power Purchase Agreement (PPA) in respect of its Rajghat Power Plant (RPH).
2. The Counsel for the Petitioners submitted that the fact that the PPA of RPH has expired in May 2015 has been affirmed by the Commission in its three different Orders viz. in the Tariff order dated 29.09.2015, the Order dated 05.08.2016 in the matter of TPDDL and in the present Tariff Order dated 31.08.2017 of IPGCL. It was further submitted that the said PPA has not been extended by the petitioner. Therefore, the only question remaining is that the surplus amount in the hand of Respondent No. 1 has to be refunded to the petitioner, however, the matter of refunding the surplus is pending before the Appellate Tribunal for Electricity (APTEL) wherein the APTEL has granted stay on the refund.
3. The representative of the Respondent No. 1 submitted that the Commission while deciding the allocation of power and re-assigning the PPAs to Delhi Discoms on 31.03.2007 had itself mentioned that allocation of power and assigning of PPA etc. is vested with State Government; and the State Commission has no jurisdiction on the same. It was further submitted that since the issue of closure of the RPH plant is under consideration by the committee formed by the Government of NCT of Delhi (GoNCTD) therefore, the decision of GoNCTD on the closure of the plant has to be taken into consideration.

4. The representative of the Respondent No. 1 also submitted that since SLDC was scheduling the power from RPH till January 2016 therefore the petitioner is liable to pay the fixed charges for the period in which the power has been scheduled by SLDC. However, no power has been scheduled since February 2016 and the Respondent No. 1 has not raised any bill rather it has only given credit notes of energy consumed by it.
5. The Commission observed that there should not be any scheduling of power once the PPA is expired and directed the SLDC to file its written submission in this regard within two weeks, with an advance copy served to the parties in the matter.
6. The matter was adjourned.
7. The next date of hearing will be informed in due course.

Sd/-
(B.P. Singh)
Member