



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

No. F.11(1568)/DERC/2017-18/6082

Petition No. 11/2018

In the matter of: **Petition seeking directions for implementation of APTEL judgment dated 15.01.2018 in Appeal No. 376 of 2017 in regard to the imposition of Wheeling Charges on Open Access consumer as per DERC Open Access Order dated 24.12.2013 and 18.05.2015.**

AVDHUT SWAMI METAL WORKS
19, Jawahar Nagar Indl. Area,
Loni Road,
Delhi-110094

...Petitioner

Vs.

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

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

... Respondents

Coram: Sh. B. P. Singh, Member

Appearance:

1. Mr. Amit Paul, Representative of petitioner
2. Mr. Buddy Ranganadhan, Adv., BYPL
3. Mr. Hasan Murtaza, Adv., BYPL
4. Ms. Malvika Prasad, Adv., BYPL
5. Mr. Gagan Swain, BYPL
6. Ms. Prachi Jain, BYPL
7. Mr. Abhishek Srivastava, BYPL
8. Mr. Shekhar Saklani, BYPL
9. Mr. Sameer Singh, BYPL
10. Mr. Brajesh Kumar, BYPL

ORDER

(Date of Hearing 22.05.2018)
(Date of Order: 28.05.2018)

1. An application has been filed by the petitioner M/s Avdhut Swami Metal Works in terms of judgment dated 15.01.2018 of APTEL in Appeal No. 376 of 2017 in regards to the imposition of Wheeling Charges on Open Access consumer as per DERC Open Access Order dated 24.12.2013 and 18.05.2015 against M/s BYPL and SLDC. The Hon'ble APTEL vide Order dated 15.01.2018 has disposed of the Appeal No. 376 of 2017 giving following directions:

In the light of the facts and circumstances of the case, as stated above, the instant Appeal, being Appeal No. 376 of 2017, filed by the Appellant on the file of the Appellate Tribunal for Electricity, New Delhi stands disposed of reserving liberty to the Appellant to file interim application seeking interim protection on the ground that he has shown bonafide regarding payment of due amount to the second Respondent. The remaining due amount, the Appellant is ready and willing to pay, under protest, subject to outcome of the resultant order to be passed by the State Commission and undertake to file necessary application within three weeks from today showing their difficulty and financial constraints due to which they could not pay the remaining instalment and seeking necessary instructions on easy instalments in the interest of justice and equity.

The first Respondent (State Commission) is directed to dispose of the interim application to be filed by the Appellant expeditiously and in accordance with law sympathetically taking into consideration the bonafide to be shown by the Appellant and any amount paid is subject to the outcome of the result of the petition filed by the Appellant in accordance with law and in the interest of justice and equity.

2. The Authorized representative of the petitioner prayed for the following:
 - a. Allow the petitioner to make payment of due amount to the respondent BYPL in 5 monthly installments;
 - b. In the meantime Open Access be allowed to the petitioner.
3. The counsel for the respondent BYPL submitted that the BG of the petitioner which is maintained before BYPL will be expiring in June 2018 and to avoid the encashment of the BG the petitioner should extend the same.
4. The representative of the petitioner agreed to extend the BG maintained by it and further requested the intervention of the Commission to allow procurement of power through Open Access route in the meantime to overcome its financial crisis.
5. Payment of dues by the petitioner to the respondent is on a bilateral agreement made between the parties and the Commission has no role to play in it. However, considering the fact that the petitioner is ready to pay the outstanding dues, which are the arrears accumulated for no fault of the petitioner and in light of the APTEL's directions, the Commission is of the view that the respondent may consider the proposal of the petitioner to pay the outstanding dues in installments in a period of six months. Accordingly, both the parties are directed to arrive at a mutual settlement on the terms of payment of outstanding dues. Once the terms of payment of outstanding dues are agreed between the

parties, the respondent may also consider granting consent for open access to the petitioner without waiting for full payment of outstanding dues so that the process of open access is not hampered.

6. With the above directions, the matter is disposed of.

Sd/-
(B.P. Singh)
Member