



Delhi Electricity Regulatory Commission

Viniyamak Bhawan, 'C' Block, Shivalik, Malviya Nagar, New Delhi – 110017.

F.11(2410)/DERC/2025-26/8661

Petition No. 77/2025

In the matter of: Petition invoking the General Regulatory and inherent powers of the Commission seeking concurrence on the Power Purchase Agreements executed between the Petitioner and DISCOMs of the State of NCT of Delhi for supplying power from Municipal Solid Waste to Energy Processing facility at Narela, Bawana, New Delhi as per the Solid Waste Management Rules, 2016 read with National Tariff Policy, 2016 in compliance of the directions of the Commission vide order dated 07.03.2023 in Petition No. 72 of 2022.

Jindal Urban Waste Management (Bawana) Ltd.

... Petitioner

Vs.

BSES Rajdhani Power Ltd. & Ors.

....Respondents

Coram:

Sh. S.C.L. Das, Chairperson

Sh. Ajay Kumar Jain, Member (Legal)

Appearance:

1. Ms. Molshree Bhatnagar, Ld. Counsel for the Petitioner, JUWML
2. Mr. Dushyant Manocha, Ld. Counsel for the Respondent, BRPL
3. Mr. Anand Srivastava, Ld. Counsel for the Respondent, TPDDL,
4. Mr. Shivam Sinha, Ld. Counsel for the Respondent, TPDDL
5. Ms. Janhavi Johar, Ld. Counsel for the Respondent, TPDDL
6. Ms. Swapna Seshadri, Ld. Counsel for Respondent, MCD
7. Ms. Namrata Saraogi, Ld. Counsel for Respondent, MCD

Order

(Date of Order: 13.10.2026)

1. The Petitioner, Jindal Urban Waste Management (Bawana) Ltd./Petitioner has filed the instant Petition invoking the general regulatory and inherent powers of this Hon'ble Commission and in compliance of the directions of this Hon'ble Commission vide order dated 07.03.2023 in Petition No. 72 of 2022, seeking concurrence on the Power Purchase Agreement(s) executed between the Petitioner herein with the Distribution Licensees/ Respondents i.e., BSES Rajdhani Power Limited (hereinafter referred to as "BRPL"), BSES Yamuna Power Limited (hereinafter referred to as "BYPL"), Tata Power Delhi Distribution Limited (hereinafter referred to as "TPDDL") and New Delhi Municipal Corporation (hereinafter referred to as "NDMC") respectively (hereinafter collectively referred to as "Distribution Licensees").
2. The present Petition *inter-alia* praying:
 - a) Issue appropriate Order(s)/directions(s) providing concurrence of the Power Purchase Agreement(s) executed between the Petitioner and the

Distribution Licensees(s) enclosed as Annexure – P/2, Annexure – P/3 and Annexure P/4 of the instant Petition and;

- b) Issue appropriate order(s)/direction(s) declaring the ratio of the Power to procure by the Distribution Licensees from the 36 MW Waste to Energy Project being implemented by the Petitioner herein.

Petitioner's Submissions

- 3. The Petitioner has submitted the following:
 - i. The National Tariff Policy, 2016 mandates that the entire power generated by Waste to Energy projects should be procured. The purpose of Waste to energy is to dispose off the waste and divert from dump with the objective of protecting environment. The plant is also "Must Run" and deemed to be scheduled. Ministry of Power vide press release dated 20.01.2016 had stated that in order to give boost to Swachh Bharat Mission, Government of India has made amendments to National Tariff Policy directing that the DISCOMs shall mandatorily procure 100% power produced from Waste-to-Energy plants and has excluded waste to energy from competitive bidding process and these amendments will benefit power consumers in multiple ways. Such plants would also aid the objectives of Swachh Bharat Mission as well as Namami Gange Mission through conversion of waste to energy, usage of sewage water for generation and in turn ensure that clean water is available for drinking and irrigation.
 - ii. On 08.04.2016, the Ministry of Environment, Forest and Climate Change, Government of India formulated Solid Waste Management Rules, 2016 (hereinafter referred to as "SWM Rules"), which impose an obligation on MCD to adopt suitable process for processing and disposal of MSW.
 - iii. The Ministry of New and Renewable Energy (hereinafter referred to as "MNRE") has issued the Twentieth Standing Committee Report on Power from Municipal Waste in August 2016 wherein MNRE has enumerated the role of municipal authorities in Solid Waste Management. In the said Report, it is stipulated that one of the functions of the Municipal authorities is to make adequate provisions of funds for capital investments as well as operation and maintenance of solid waste management services in the annual budget.
 - iv. MCD in order to fulfil its statutory responsibilities enshrined under the SWM Rules initiated augmentation of its existing waste management infrastructure by establishing a Project. The Project in compliance with the SWM Rules was designed in a manner to utilise 3000 Tons Per Day (hereinafter referred as in "TPD") of MSW.

- v. MCD being a statutory body is mandated under SWM Rules, 2016 to facilitate construction, operation and maintenance of solid waste processing facilities and associated infrastructure, issued Notice inviting Tender along with Request for Proposal on 21.10.2022 for Selection of developer to design, engineer, finance, construct, Commission, operate and maintain the Waste to Energy (WtE) Project.
- vi. The Commission vide its Order dated 07.03.2023 in Petition No. 72 of 2022, adopting the tariff of Rs. 7.38/kWh in respect to the Project awarded to the Petitioner herein and also directed parties to execute the PPA and submit a signed copy of the PPA entered by the successful bidder i.e., the Petitioner in the present case, to this Commission for its approval.
- vii. Pursuant to the said bidding process and the evaluation of the Bids received, MCD accepted the Bid of the Petitioner and issued the Letter of Award dated 06.01.2025. Accordingly, after obtaining the Letter of Award, the Petitioner herein proceeded with the implementation of the Project by installing Plant and Equipment having installed capacity of 36 MW situated at Narela-Bawana based on 3000 TPD Municipal Solid Waste. Also, the Petitioner has signed the Concession Agreement with MCD for implementation and operation of the Project.
- viii. In furtherance to the above and in light of the directions issued by this Commission on 07.03.2023, the Petitioner approached the Distribution Licensees for execution of the PPA's for supply of the power from its Project. Accordingly, the Petitioner has entered into independent PPAs with Respondent Nos. 1 to 3, for their consumption from the plant at the tariff determined through competitive bidding process initiated by MCD and adopted by this Commission in the aforesaid Order. The details of the various PPA's entered between the Petitioner and Respondent Nos. 1 to 3 are as under.

Sr. No.	PPA Date	Name of the Party with whom PPA has been executed
1.	13.11.2025	TPDDL
2.	14.11.2025	BRPL
3.	14.11.2025	BYPL

- ix. The Petitioner vide its Affidavit dated 06.04.2026 filed the signed PPA dated 01.04.2026 executed between the Petitioner and NDMC before the Commission.
- x. The Commission vide its ROP dated 07.04.2026 wherein the Commission raised a query regarding its jurisdiction to entertain the present Petition for

procurement of power by the Petitioner which is not licensee and is generator not the procurer. In compliance of the said ROP the Petitioner filed a short written submission on 11.05.2026 wherein Petitioner submitted that 'jurisdiction' on the Commission is to entertain matters where it will discharge its functions envisaged under Section 86(1)(b) of the Electricity Act, 2003. Such 'jurisdiction' cannot be confused with 'locus'. Nothing in the Electricity Act, 2003 and after the judicial pronouncement by Supreme Court in *Municipal Corporation of Delhi v. Gagan Narang* (2025 SCC Online SC 19) makes it clear that there is no statutory embargo in considering the present Petition at the behest of the Petitioner, which is generating company.

- xi. Further, during the course of hearing on 11.06.2026, the Commission directed the Petitioner to place on record the status of the Scheduled date of Commencement of the project. In the regard the Petitioner filed an affidavit on 23.06.2026, wherein it is submitted that as per the current project planning and implementation schedule, the Petitioner expects that the major construction activities will take approximately 24 (twenty four) months from the from the date of handover of the Project site for completion of the Project, subject to timely availability of all requisite stator and regulatory approvals, clearances, and absence of any force majeure or other unforeseen impediments i.e., it is expected that the project will be developed by December, 2028 subject to the aforementioned handover of the site and grant of approvals in the timely manner.

Commission Analysis

4. The instant Petition has been filed by M/s Jindal Urban Waste Management (Bawana) Ltd. invoking the general regulatory and inherent powers of the Commission and in compliance of the directions of the Commission vide Order dated 07.03.2023 in Petition No. 72 of 2022, seeking concurrence on the Power Purchase Agreement(s) executed between the Petitioner with the Distribution Licensees/ Respondents and for allocation of Power among Discoms of Delhi.
5. Subsequently, a meeting regarding allocation of the power with all DISCOM utilities was held in the office of the Commission on 03.07.2026, wherein inter alia it was discussed and decided that the power allocation to all 5 Discoms of Delhi shall be done as per the last five years' energy drawl data, as provided by the Delhi- SLDC. Further, during the above meeting, it was noted that the petitioner didn't approach the MES for signing of PPA. Accordingly, the petitioner was asked to approach MES for signing of PPA as the petitioner was directed to approach all five Discoms for signing of PPA as per the Commission's earlier order dated 07.03.2023.

6. Accordingly, the petitioner approached MES and PPA with MES was executed on 23.09.2026. PPAs with all other Discoms have already been signed by the Petitioner and placed before the Commission for approval & concurrence.
7. The Commission, in order to finalize the allocation of power to DISCOMs, has considered the average of Discom-wise energy drawal data of past five years, i.e. for the period of FY 2021-22 to 2025-26 from the annual report of Delhi-SLDC, which is as follows:

Energy Drawl by DISCOMs as per Delhi SLDC (in MU)						Average
DISCOM	2021-22	2022-23	2023-24	2024-25	2025-26	
TPDDL	9507.4007	10695.368	10742.23	11527.25	11673.27	10829.10
BRPL	12843.89	14553.255	14770.75	16179.15	16334.14	14936.24
BYPL	6793.9205	7605.7138	7513.04	8137.96	8134.98	7637.12
NDMC	1195.9078	1346.5213	1357.75	1457.33	1498.71	1371.24
MES	230.27513	244.31576	248.86	268.30	267.30	251.81
Total	30571.395	34445.174	34632.63	37569.98	37908.40	35025.52

8. In view of above, the Commission accords approval to the following:
- a) The PPAs signed with all the utilities i.e. BRPL, BYPL, TPDDL, NDMC & MES have been examined and is found generally in order.
- b) 36 MW Waste to Energy Project Power is allocated to the Delhi Distribution Licensees, as follows:

Power Allocation for 36 MW			
DISCOM	Average of Last Five Years Energy Drawl (MU)	% share	MW share (For 36 MW)
TPDDL	10829.10	30.92	11.13
BRPL	14936.24	42.64	15.35
BYPL	7637.12	21.80	7.85
NDMC	1371.24	3.91	1.41
MES	251.81	0.72	0.26
Total	35025.52	100	36.00

9. The Commission vide its Order dated 07.03.2023 in Petition No. 72 of 2022, has already adopted the tariff of Rs. 7.38/kWh in respect to the Project.
10. Delhi SLDC and Distribution Licensees namely BRPL, BYPL, TPDDL, NDMC and MES are directed to adhere to the above allocation and make suitable arrangements accordingly.
11. Ordered accordingly.

Sd/-
(Ajay Kumar Jain)
Member

Sd/-
(S.C.L. Das)
Chairperson