



Delhi Electricity Regulatory Commission
Viniyamak Bhawan, 'C' Block, Shivalik, Malviya Nagar, New Delhi – 110017.
F.11(2024)/DERC/2022-23/7514

Petition No. 53/2022

In the matter of: **Petition u/S 86(1)(c) (e) and (f) read with Section 9(2) of the Electricity Act, 2003 and Regulation 16(2) of the Delhi Electricity Regulatory Commission (Terms and Conditions for Open Access) Regulations, 2005 seeking issuance of appropriate directions to the Respondents to grant requisite open access related approvals to the Petitioner to enable it to obtain power from its captive generating plant by way of open access**

ITC Limited, ITC Maurya

...Petitioner

Versus

1. New Delhi Municipal Council

2. State Load Despatch Centre

....Respondents

Coram:

Hon'ble Shri Justice Shabihul Hasnain 'Shastri', Chairperson

Hon'ble Dr. A. K. Ambasht, Member

Appearance:

1. Mr. Sahil kaul, Advocate, Petitioner

2. Mr. Rohan Singh, Advocate, Petitioner

INTERIM ORDER

(Date of Hearing: 15.11.2022)

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1. Heard Mr. Sahil Kaul and Mr. Rohan Singh all for the Petitioner. The Petitioner has submitted that it is a generating company having other businesses namely, hotelier, etc. The Petitioner have generating station established in Andhra Pradesh and they want to have 1.5 MW for their own use at Delhi. The Petitioner has drawn our attention to Section 9 of the Electricity Act, 2003, which is quoted here below:

*"9. **Captive generation.** - (i) Notwithstanding anything contained in this Act, a person may construct, maintain or operate a captive generating plant and dedicated transmission lines:*

Provided that the supply of electricity from the captive generating plant through the grid shall be regulated in the same manner as the generating station of a generating company:

[Provided further that no license shall be required under this Act for supply of electricity generated from a captive generating plant to any licensee

in accordance with the provisions of this Act and the rules and regulations made thereunder and to any consumer subject to the regulations made under sub-section (2) of section 42.]

(2) Every person, who has constructed a captive generating plant and maintains and operates such plant, shall have the right to open access for the purpose of carrying electricity from his captive generating plant to the destination of his use:

Provided that such open access shall be subject to availability of transmission facility shall be adjudicated upon by the Appropriate Commission."

2. Also, the reference has been given of Regulation 10 of the DERC (Terms and Conditions for Open Access) Regulations, 2000 in the letters which have been sent by the Petitioner number of times to NDMC.
3. The Petitioner has submitted that they have been trying to get a no objection from the NDMC for the last four years. Getting no positive action/reply from the NDMC they have approached the Commission under Section 86 of the Electricity Act, 2003. *Prima-facie* a case has been made out by the Petitioner for the interference. Issue notice to the Respondent No. 1 and 2.
4. List on 02.02.2023.

Sd/-
(Dr. A.K. Ambasht)
Member

Sd/-
(Justice Shabihul Hasnain 'Shastri)
Chairperson