



Delhi Electricity Regulatory Commission
Viniyamak Bhawan, 'C' Block, Shivalik, Malviya Nagar, New Delhi – 110 017.

No.F.11(1840)/DERC/2020-21/7012

Petition No. 12/2021

In the matter of: **Petition u/S 86(1)(c), r/w Section 30, Section 33(4) of the Electricity Act, 2003 r/w DERC (Terms and Conditions for Determination of Tariff) Regulations, 2017 (Regulations 2(34), Regulation 152 and other applicable provisions seeking relief from additional deviation penalty on account of various force majeure occurrences beyond the control of the Petitioner.**

**BSES Rajdhani Power Limited.
Vs.**

.... Petitioner

1. Delhi Transco Limited

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. Buddy A Ranganadhan, Adv., BRPL
2. Mr. Arijit Maitra, Adv., BRPL
3. Mr. Hasan Murtaza, Adv., BRPL

INTERIM ORDER

(Date of Hearing: 05.08.2021)

(Date of Order: 12.08.2021)

1. Heard Mr. Buddy A. Ranganadhan along with Arijit Maitra and Mr. Hasan Murtaza on the Petition. The Counsel for the Petitioner has essentially argued that on the particular date, the software and the website of the SLDC, Respondent No. 2, was not working and hence, the Petitioner was incapacitated from informing the actual requirement of the amount of energy to be withdrawn from the Grid. The SLDC has taken it to be a fault on the part of the Petitioner and had imposed a deviation settlement amount against the petitioner.

WEAR FACE MASK

WASH HANDS REGULARLY

MAINTAIN SOCIAL DISTANCING

2. After arguments were heard for some time and it transpired that under Clause 7.4.3 of the DERC (State Grid Code) Regulations, 2008, there is a duty cast upon the Petitioner who shall inform the SLDC about the rescheduling of its requirement from time to time. Mr. Ranganadhan has submitted that on the basis of the facts on that particular date he will be able to show that even after due diligence he could not have effectively informed the SLDC because of the failure of technical system on their part.
3. *Prima facie* a case for admission is made out subject to a reply and clarification from SLDC on fact and law both. Accordingly, the case is admitted. Issue notice to the opposite parties.
4. List this case for reply and arguments on 07.09.2021

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

Sd/-
(Justice Shabihul Hasnain 'Shastri')
Chairperson