



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

No. F.11(512)DERC/2009-10/

**Petition No.11/2009**

**In the matter of :** Petition for approval of Terms & Conditions entered between NDPL-G & NDPL-D for purchase of entire capacity of Rithala Combined Cycle Power Plant being put by NDPL Generation.

**Petition No. 07/2009**

**In the matter of :** Petition for approval for usage of 6 acres of land located in the licensed are of the Petitioner to set up 108 MW Power Generation Plant at Rithala Delhi.

**Petition No.06/2013**

**In the matter of :** Petition seeking of Final Generation for 94.8MW Rithala Combined Cycle Power Plant u/S 62 read Part VII of E.A. 2003 and the Delhi Electricity Regulatory Commission (Terms and Conditions for determination of Generation Tariff) Regulation 2007 & 2011 for 2010-11, FY 2011-12 and FY 2012-13 to 2014-15.

Tata Power Delhi Distribution Ltd.  
(erstwhile North Delhi Power Limited)  
Through its : Managing Director  
Sub-Station Building,  
Hudson Lane, Kingsway Camp  
Delhi 110 009

....Petitioner

**Coram:**

**Sh. P.D. Sudhakar, Chairperson, Sh. J.P. Singh, Member &  
Sh. B.P. Singh, Member.**

**Interim Order**

(Date of Order: 22.01.2016)

1. The Petitioner/applicant, NDPL (TPDDL) has filed the following Petitions with prayer seeking specific approvals as indicated against each:

(a) **Petition No. 11 of 2009** under Section 62, 86(1) (b) of the Electricity Act, 2003 seeking approval of **“Terms and Conditions for Sale and Purchase of Power”** executed between the Generation and Distribution division of TPDDL i.e. TPDDL-G (formerly known as NDPL-G) and TPDDL-D

(formerly known as NDPL-D).

(b) **Petition No. 7 of 2010** under clause 5.5 and 11 of the Licence Conditions of TPDDL's Distribution and Retail Supply License issued by this Hon'ble Commission, seeking approval regarding usage of 6 Acres of land located in NDPL/TPDDL's licensed area for setting up the Rithala Combined Cycle Power Plant (RCPD).

(c). **Petition No. 6 of 2013** under Section 86 (1) (a) of the Electricity Act, 2003 seeking determination of Final Generation Tariff for its 94.8 MW Rithala Combined Cycle Power Plant under Section 62 read with Part VII of the Electricity Act, 2003 and the Delhi Electricity Regulatory Commission (Terms & Conditions for Determination of Generation Tariff) Regulations, 2007 & 2011.

2. The Commission has heard the Petitioner at length on the above petitions.

### 3. **PETITIONER'S SUBMISSIONS**

The Petitioner through its written and oral submissions has made the following arguments in support of the petitions:

a) on 31.03.2007, the existing Power Purchase Agreements signed with Delhi Transco Limited were reassigned to the Distribution Companies ("Discoms") of Delhi in accordance with their load profile. As such with effect from 01.04.2007, the responsibility for arranging power for the respective areas of distribution lies upon the respective DISCOMs. At that time, a peak-load gap of over 150-200 MW existed between availability of electricity from the reassigned long term PPAs and the actual demand.

b) the Long Term ("LT") demand-supply gap analysis has been done prior to taking the investment decision, based on the Central Electricity Authority's 17<sup>th</sup> Energy Power Survey (EPS) till 2021-22 (for demand growth projections) and it was projected that Delhi would continue to have significant demand supply deficits (shortfall) over the entire LT projection period. The establishment of Rithala Power Plant was envisaged in the above context besides the objective of having captive, load center (in Delhi) power generation for enhancing

reliability and islanding capabilities in case of Grid Distress/ collapse.

- c) the Hon'ble Supreme Court on 08.01.2008 issued an Order in Writ Petition (Civil) No. 328 of 1999 titled as Power Crises in the NCT of Delhi vs. Union of India & Ors directing Discoms to take all necessary steps to ensure adequate supply of power.
- d) it had sought approval for usage of 6 acres of land lying vacant with it at Centre for Power Efficiency in Distribution ("**CENPEID**"), Sector 11, Rohini to set up Rithala Combined Cycle Power Plant ("**Rithala CCPP**") from GoNCTD. GoNCTD vide its letter dated 25.01.2008 granted approval to Petitioner to initiate activities related to construction of power plant at the 6 acre plot in Rithala. Further, the Government of NCT of Delhi also approved project import benefits (concessional custom duty etc.) available for import of power plant vide its letter dated 09.05.08 considering that the plant was being commissioned primarily for catering to the requirement of consumers of Delhi, specifically for consumers of NDPL.
- e) vide its letter dated 17.05.2008, in view of Condition 5.5 of its Distribution License, Section 51 of the Act and Regulation 3 of DERC (Treatment of Income from Other Business of Transmission Licencee and Distribution Licencee) Regulations 2005, the Commission was informed about its intention to establish and operate the Rithala CCPP along with the Technical Feasibility Report.
- f) further, the Rithala Plant was considered as a necessity in light of Common Wealth Games to be held in Delhi in October 2010. It may be noted that Ministry of Power, Govt. of India in its Office Memorandum dated 12.02.2009 has duly recorded the need, justification for allocation of gas to Rithala Project especially for CWG to be organized in Delhi in year 2010.
- g) it has submitted the scheme for evacuation of power from the proposed Rithala Plant vide its letter dated 08.08.2008. The Commission has accorded in principle approval for evacuation plan of power from Rithala Power Plant vide its letter dated 23.04.2009.

- h) the PPA for procurement of power from PPCL III (Bawana) has been approved by the Commission after the notification of National Tariff Policy 2006.
- i) It has obtained the environmental clearance for construction of 108 MW combined cycle power plant from Delhi Pollution Control Committee vide letter dated 24.04.2009.

#### 4. **COMMISSION'S ANALYSIS**

Before the Commission takes up a detailed examination of the submissions and arguments made by the petitioner keeping in view the provisions of the Electricity Act, 2003, National Tariff Policy 2006 and provisions of Distribution License to the petitioner, it is necessary that the issues be considered holistically after receiving requisite inputs from the GoNCTD as well as the Ministry of Power, GOI since both these organisations have facilitated the process of setting up of the plant.

In particular, GoNCTD vide its letter of 25.01.2008 has given approval to the petitioner to start activities of construction of a power plant on a 6 Acres plot in Rithala and vide its letter of 09.05.2008, it has approved project, import benefits i.e. concessional Custom Duty etc., keeping in view that the plant was being commissioned primarily for catering to the requirements of the consumers in Delhi. Furthermore, the Ministry of Power, GOI has facilitated the allocation of gas to Rithala Project vide OM dt. 12.02.2009.

It is necessary to obtain inputs from both the above organisations and therefore, notices may be sent to Secretary (Power), GoNCTD as well as to the Secretary, Ministry of Power, GOI to send their specific observations/inputs on the given petitions before the Commission takes a final view on them.

Sd/-  
(B.P. Singh)  
Member

Sd/-  
(J.P. Singh)  
Member

Sd/-  
(P.D. Sudhakar)  
Chairperson