



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

No. F. 11(719)DERC/2011-12/

Petition No. 51/2011

In the matter of : **Petition U/s 86(1)(f) of the Electricity Act for adjudication on disputes between the Petitioner – Pragati Power Corporation Ltd., generating company and the Respondents – BSES Rajdhani Power Ltd. and BSES Yamuna Power Ltd. – distribution licensees.**

Pragati Power Corporation Ltd.,
Himadri,
Rajghat Power House Complex,
New Delhi – 110 002

..... Petitioner

VERSUS

1. BSES Rajdhani Power Limited
BSES Bhawan, Nehru Place,
New Delhi- 110 019
2. BSES Yamuna Power Limited
Shakti Kiran Building,
Karkardooma,
Delhi-110 092

.....Respondent

Petition No. 52/2011

In the matter of : **Petition U/s 86(1)(f) of the Electricity Act for adjudication on disputes between the Petitioner – Indraprastha Power Generation Co. Ltd., generating company and the Respondents – BSES Rajdhani Power Ltd. and BSES Yamuna Power Ltd. – distribution licensees.**

Indraprastha Power Generation Co. Ltd.,
Himadri,
Rajghat Power House Complex,
New Delhi – 110 002

.....Petitioner

VERSUS

1. BSES Rajdhani Power Limited
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2. BSES Yamuna Power Limited
Shakti Kiran Building,
Karkardooma,
Delhi-110 092

.....Respondent

Coram:

**Sh. P.D. Sudhakar, Chairman, Sh. Shyam Wadhwa, Member and
Sh. J.P. Singh, Member.**

Appearance:

1. Ms. Swapna Sheshadri, Adv. IPGCL
2. Mr. Anupam Varma, Adv. BRPL, BYPL
3. Mr. Gaurav Dudeja, Adv. BRPL, BYPL
4. Mr. Vishal Anand, Adv, BRPL, BYPL

5. Mr. Ankur Garg, Special Secy. (Power)
6. Mr. Rakesh Sehgal, IPGCL, PPCL
7. Mr. Jagdish Kumar, Director (T), IPGCL, PPCL
8. Mr. M. Shukla, GM(Comml.) IPGCL, PPCL
9. Mr. Rajesh Chattarwal, Dy. Manager(Comml.), IPGCL, PPCL
10. Mr. Amit Nagpal, IPGCL, PPCL
11. Mr. Surender Kumar, IPGCL, PPCL

INTERIM ORDER

(Date of Hearing: 03.09.2013)

(Date of Order: 05.09.2013)

1. The Ld. Counsel Ms. Swapna Sheshadri for the Petitioner submitted that till date Rs. 2,794.00 Crores (Aprox.) are the outstanding dues from BRPL and BYPL. No payment has been made by the Respondents to the Petitioner from September 2011 onwards. She has further submitted that the said outstanding amount is more than the Annual Revenue Requirement of FY 2013-14 of the Petitioner.
2. The Ld. Counsel further submitted that it is noticed that BRPL and BYPL have made payment to all other generating and transmission companies.
3. The Ld. Counsel further submitted that the Commission in its order dated 24.11.2011 directed these DISCOMs "to clear the current outstanding dues for the month of September and October, 2011 within 10 days from the date of the order. Subsequently, DISCOMs will submit the compliance report within a week". Till date there is no compliance of the Commission's said order.
4. The Ld. Counsel further submitted that due to nonpayment of the said dues the Petitioners are facing acute financial crisis and if some amount out of the total outstanding dues of Rs. 2,794.00 crores (approx.) is not paid immediately then they will not be left with any option but to start Regulation of Power.
5. The Ld. Counsel for the Respondents submitted that they have received a copy of the PWC Report only on 27.08.2013. He made a request for one weeks time to peruse the PWC Report and further requested the Commission to fix another date for hearing in these matters.
6. The Ld. Counsel for the Petitioners vehemently opposed any further adjournment. She further submitted that the said report of PWC has no connection with the payment of outstanding dues by the Respondents.
7. The Ld. Counsel for the Petitioners also stated that in the present circumstances and to obviate any delays she wants to withdraw the rejoinder filed in this matter.
8. Mr. Ankur Garg, Special Secretary of Power, Govt. of Delhi submitted that the PWC report is an outcome of a study got conducted by Govt. of Delhi and it should not be treated as part of the proceedings; since the Govt. of Delhi is at the liberty to accept/reject this report partially or fully at any stage. He further submitted that not only the Govt of NCT of Delhi has given the petitioners a loan of Rs. 800 cr which has not yet been returned but the govt. had to release the advance subsidy for the month of October to December or otherwise generation would have shut down.

9. Mr. Garg further submitted that even after exhausting all resources the generating companies have defaulted in all kinds of payments and if there is no cash flow within the next seven days then the Govt. will have no other option but to go for Regulation and shut down at least three out of four generating plants of IPGCL and PPCL.
10. Mr. Rakesh Sehgal, Director (Fin.) IPGCL and PPCL submitted that they have defaulted in making payment to GAIL which has led to a threat of encashment of their Letter of Credit (LC) amounting to Rs. 100 cr . If this LC gets encashed due to nonpayment then the petitioner will lose its credibility in the banking system and Petitioner will be required to deposit full 100 cr even more than Rs. 100 cr with any bank to get the LC restored.
11. The Commission heard the arguments made by Ld. Counsel for the Petitioner, Mr. Ankur Garg, Special Secretary Govt. of NCT of Delhi and Mr. Rakesh Sehgal, Director (Fin.) IPGCL and PPCL at length. The Commission also heard pleas raised by Ld. Counsel for BRPL and BYPL. The Commission has considered the arguments raised by both the parties. The Commission fails to understand why no payment at all has been made by BRPL and BYPL even though they have paid dues of other generating stations. The Commission is of the view that BRPL and BYPL should make some payment to the Petitioners immediately to enable them to continue generation at their plants so that citizens of Delhi are not put to undue hardships in case these plants shut down.
12. The Commission directs BRPL and BYPL to make payment of current bills raised for the month of August, 2013 immediately and current bill for September, 2013 before the next date of hearing.
13. The Commission has accepted the request of Ld. Counsel for the Petitioners to withdraw rejoinder filed before the Commission on 21.08.2013.
14. The matter is listed for further hearing on 22.10.2013.
15. Ordered accordingly.

Sd/-
(J.P. Singh)
MEMBER

Sd/-
(Shyam Wadhera)
MEMBER

Sd/-
(P.D. Sudhakar)
CHAIRPERSON