

DELHI ELECTRICITY REGULATORY COMMISSION

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

No. F.11(748)/DERC/2011-12/

Application/Petition No. 67 & 68/2011

In the matter of: **Regulation/Diversion of Power Supply relating to BSES Rajdhani Power Limited (BRPL) for Non-payment and Non-maintenance of Letter of Credit & Show Cause Notice U/s 24 of the Electricity Act, 2003.**

AND

In the matter of:

BSES Rajdhani Power Limited
Through its : **CEO**
BSES Bhawan, Nehru Place,
New Delhi-110019.

BSES Yamuna Power Limited
Shakti Kiran Building,
Karkardooma
Delhi 110 032

Coram:

**Sh. P. D. Sudhakar, Chairman, Sh. Shyam Wadhera, Member &
Sh. J.P. Singh, Member.**

Appearance:

1. Mr. V. K. Mangla, Dy. Secretary, Dept. of Power;
2. Mr. N. K. Sharma, Manager(Comml.), DTL;
3. Mr. S. Mohari, DG(Comml.), DTL;
4. Mr. Vivek N. Sharma, Adv. DTL;
5. Mr. Bhupender Nath, GM(Comml.), DTL;
6. C. L. Verma, Manager(Comml.), DTL;
7. Mr. Jayant Walia, Sr. Advocate, TRANSCO;
8. Mr. Vivek Narayan, Advocate, TRANSCO.
9. Mr. Amit Kapur, Advocate BRPL & BYPL;
10. Ms. Anupam Varma, Advocate, BRPL & BYPL;
11. Ms. Deepika Kalia, Advocate, BRPL & BYPL;
12. Mr. V. P. Singh, Advocate, BRPL & BYPL;
13. Ms. Tarunima, Advocate, BRPL & BYPL;
14. Mr. R. C. Natrajan, BYPL;
15. Mr. Sushil Agarwal, CFO, BYPL;
16. Mr. S.C. Sharma, BYPL;
17. Sh. Pankaj Dhingra, Head-Legal, BYPL
18. Mr. Harish Dewan, CS, BRPL
19. Mr. Gopal Saxena, CEO, BRPL;
20. Mr. Raj Arora, BRPL;
21. Mr. Sunil Shori, VP, BRPL;
22. Mr. Prashant Dua, BRPL;
23. Mr. Deepak Sharma, BRPL;
24. Mr. Mithlesh Kumar, AGM, Power Grid;
25. Mr. Nikka Ram, Chief Engineer, NHPC;
26. Mr. Ashok Mukar, SJVN Ltd.

ORDER

(Date of Hearing: 02.01.2012)

(Date of Order: 04.01.2012)

1. Ld. Counsel Mr. Amit Kapur, appearing for BRPL & BYPL, submitted that financial package of Rs. 5100 Cr. with promoters equity of Rs.1020 Cr. (20%) and debt of Rs. 4080 (80%) is being actively pursued with IDBI.
2. Mr. Kapur further submitted that the liquidation plan for outstanding amounts owed to the generation and transmission utilities was proposed to be based on the following priorities:
 - a. Statutory payments and salaries wages;
 - b. Minimum operating expenses;
 - c. Bank obligations: interest payments and principal repayments;
 - d. Power purchase obligations comprising (i) Current month payments (January, 2012 to March, 2012) and (ii) adjustment of arrears based on tariffs determined by the Central Electricity Regulatory Commission (CERC) and overdue payments resulting therefrom.
3. Mr. Kapur also submitted that in accordance with the above-stated plan the arrears would be liquidated in a phased manner in FY 2012 and the balance in FY 2013.
4. Mr. Kapur further submitted that in their Petition no. 177/2011 with IA No. 25/2011 and in Petition No. 179/2011 with IA No. 26/2011 filed before the CERC, BRPL and BYPL sought the following relief:
 - a. Pass an order granting a moratorium period of six months to the Petitioner before the payment schedule of the Petitioner commences;
 - b. Pass an order granting the Petitioner the permission to pay the arrears of the Respondents in six equal monthly instalments alongwith applicable interest;
 - c. Grant ex-parte and interim orders in terms of prayer (a) and (b) above;
 - d. Pass further order(s) which the Hon'ble Commission may deem fit.
5. Mr. Kapur submitted that the said Petitions were listed for hearing before CERC on 29.12.2011 when CERC heard the Petitioners at length. The CERC has passed

an order that status quo be maintained with regard to supply of power to the Petitioners. The CERC directed Power Grid and NTPC not to resort to the regulation of power supply till 07.01.2012. The CERC also directed that the Petitioners shall pay the current charges as per Regulation 5(4) of 2009 Regulations (CERC) and the provisional tariff orders issued thereunder. The matter is listed for further hearing by CERC on 05.01.2012.

6. This Commission observed that in its Order dated 29.12.2011 it had directed the Petitioners (BRPL & BYPL) to draw-up a liquidation plan for past arrears based on sanction of IDBI loan and that the said liquidation plan was to be submitted to the Commission on or before 02.01.2012. The Commission observed that the liquidation plan submitted by the Petitioners is not in consultation with the creditors. The Commission directs the Petitioners to ensure that the liquidation plan now submitted by them is in consultation with the creditors, subject to any further orders that CERC may pass in this regard.
7. Mr. Kapur requested for two weeks time to submit their liquidation plan. Liberty is granted with a direction that both the Petitioners submit their liquidation plan, in consultation with their creditors, on or before 16.01.2012.
8. The matter is listed for hearing on 16.01.2012 at 3.00 p.m.
9. Ordered accordingly.

Sd/-
(J.P. Singh)
Member

Sd/-
(Shyam Wadhera)
Member

Sd/-
(P. D. Sudhakar)
Chairman