



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

No. F.11(1849)/DERC/2020-21

Petitions No. 15/2021

In the matter of: **Petition u/s 86 read with section 63 of the Electricity Act, 2003 seeking adoption of tariff discovered through E-DEEP portal of MSTC/PFC as per MOP guidelines for purchase of power up to 700 MW from various traders/generators and for the approval of the agreement entered thereto in terms of the DRC (terms and conditions for determination of Tariff) Regulation, 2017 read with guidelines for short term procurement of power by distribution licensee through Tariff based bidding process dated 30.03.2016.**

BSES Rajdhani Power Limited

.... **Petitioner**

Versus

Adani Enterprises Ltd. & Ors.

.....**Respondents**

Coram:

Hon'ble Sh. Justice S S Chauhan, Chairperson

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

Appearance:

Mr. Buddy A Ranganathan, Advocate, BRPL

ORDER

(Date of Hearing: 16.02.2021)

(Date of Order: 16.02.2021)

1. The Instant Petition has been filed for seeking adoption of the tariff discovered by the Petitioner for procurement of short-term power and the approval of the Letters of Intent (LOI) issued to the Respondents, i.e, the successful bidders. In the said LOI it was made clear that they were subject to the approval of the Commission and that upon such confirmation, they would be treated as binding power purchase agreement.
2. The Petitioner submits the following:
 - i. That the Commission required to adopt the tariff determined through a competitive bidding process in accordance with the guidelines issued by the Central Government. Even otherwise, even the Tariff Regulations issued by the Commission, require short term procurement to be done by way of a transparent bidding process.

- ii. It has conducted the bidding process in consonance with the MoP Guidelines and the generally accepted practices and hence, this Commission may be pleased to adopt the present tariff and approve the LOIs which have been issued and accepted pursuant to the bidding process.
 - iii. The tariff at which the Petitioner will be able to procure power is market aligned and is one of the most competitive. Therefore, it is not only in the Petitioner's interest but also in the interest of consumers at large that the Commission may be pleased all the present Petition in the terms prayed.
3. A mention has been made by the Petitioner "BRPL" to take up the matter today. The Petitioner was heard. The reason submitted of urgent hearing by the counsel of the Petitioner is that a conditional acceptance has been given by Adani Enterprises Limited i.e., (R-1) vide their e-mail dtd. 15/02/2021 (attached at page 115 of the Petition), wherein the acceptance has been given subject to the 'in principle' approval of the Commission by 15:00 hrs of 17/02/2021.
 4. The Petition has been taken into consideration as per documents annexed along with the Petition. The document annexed with the Petition at page 115 indicates that conditional acceptance has been indicated in respect of short term contract, but it is not clear from the record that why such short time is mentioned and no reason is provided by the Petitioner. Overall prayer made by the Petitioner in the instant petition has been examined by the Commission.
 5. The power availability in the State of Delhi is grim at the moment and the existing PPAs are also at higher rate. In case the DISCOMS are required to enter PPAs with generators on long term basis this may result into payment of Fixed Cost even when the part power is not required during winter months of the year and consumers will be burdened with the higher rates.
 6. The Commission in its Tariff Order dated 28/08/2020, for FY 2020-21, has approved the Average Power Purchase Cost (APPC) of Rs. 4.35/kWh for Petitioner excluding Transmission Charges & losses and other Charges. In the present tender, the Petitioner has received offer ranging from Rs. 2.89/kWh to Rs. 3.25/kWh for the quantum of power as follows:

Month	Slots	Tender Quantum (MW)	Discovered Rate (Rs./kWh)
April'21	RTC	250	2.89 - 3.02
May'21	RTC	375-450	2.95 - 2.97
June'21	RTC	650-700	3.05 - 3.25
July'21	RTC	425-575	3.05 - 3.25
August'21	RTC	450-500	3.00 - 3.25
September'21	RTC	375-550	3.00 - 3.25

7. Further, in the Letter of Intent (LOI), it is indicated that the delivery point of power shall be the Petitioner (BRPL) periphery. Transmission Charges & Losses, Open Access Charges, Scheduling Charges, Operating Charges, Application fee of SLDC upto the delivery point shall be borne by participating generators/traders.

8. The Commission thinks it appropriate and therefore, grants 'in principle' approval to the Petitioner for entering into Power Purchase arrangement with the bidders. However, if this arrangement fails, it shall be the sole responsibility of the petitioner to procure & supply power to its consumers at the tariff discovered in the said bidding process and additional liability, if any, for this quantum of power, shall not be pass through in ARR of FY 2021-2022.
9. Ordered accordingly.

Sd/-

(A.K. Ambasht)
Member

Sd/-

(Justice S S Chauhan)
Chairperson