



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

No. F. 11(1305)/DERC/2015-16/

Petition No. 93/2015

In the matter of: Petition for Re-allocation of NHPC Power allocated to BYPL to other DISCOMs of Delhi.

NHPC Limited
(A Govt. of India Enterprises)
NHPC Office Complex, Sector 33
Faridabad (Haryana)-121003

....Petitioner

Versus

BSES Yamuna Power Ltd.
Through its CEO
Sakti Kiran Building,
Karkardooma, Delhi -110 072

....Respondent

Coram:

Sh. Krishna Saini, Chairperson
Sh. B. P. Singh, Member

Appearance:

1. Mr. Rajiv Shankar, Advocate, NHPC
2. Mr. Buddy A. Ranganathan, Advocate, BYPL
3. Mr. Hasan Murtaza, Advocate, BYPL
4. Mr. Prag Saxena, NHPC
5. Mr. Amrik Singh
6. Mr. Shekhar Saklani, BYPL
7. Mr. G.B. Swain, BYPL
8. Mr. Abhishek Srivastava, BYPL
9. Mr. Nishant Grover, BYPL

ORDER

(Date of Hearing 12.07.2016)
(Date of Order: 25.07.2016)

1. The instant Petition has been filed by NHPC Limited for (i) Re-allocation of share of Power of BSES Yamuna Power Ltd (BYPL) to other DISCOMs of Delhi viz. BSES Rajdhani Power Ltd. (BRPL) and/or Tata Power Delhi Distribution Ltd. (TPDDL); and (ii) In case of non-acceptance by BRPL and TPDDL, surplus declaration of such share of power allocated to BYPL.
2. The matter came up for hearing today, which was attended by the counsels of BYPL & BRPL and NHPC.

3. The submission of the Petitioner is that BYPL has not been paying its energy bills, which has led to issue of Regulation Notice. It was also submitted that in all the PPAs/BPSAs signed with DTL and DVB with the petitioner there is a condition of providing LC of 105% of average monthly billing for the preceding 12 months by the beneficiary. Accordingly, all three DISCOMs are supposed to maintain LC of requisite amount as per reassignment of PPAs. The LC of BYPL was effective till 31.03.2014. Thereafter, BYPL did not renew/open LC nor was any response received on this issue.
4. The counsel for the BYPL submitted that it has consented for temporary reallocation of NHPC power allocated to BYPL to the other DISCOM of Delhi viz. BRPL, which is agreeable to BRPL and Petitioner NHPC also.
5. While the issue was under deliberation in the Commission, the Petitioner NHPC vide its letter dated 22.06.2016 made the specific proposal that the entire power from NHPC allocated to BYPL may be re-allocated to BRPL. At the same time, BYPL, citing the reason of financial hardship, has given consent for temporary re-assignment of its allocated power from NHPC to BRPL. The proposal has been agreed to by the BRPL that the power from NHPC assigned to BYPL may be temporarily assigned to it i.e. till 31.03.2018. Therefore, considering the fact that the proposal has been agreed by all the three parties viz. NHPC, BRPL and BYPL, and keeping in view the public interest, the Commission has decided that entire 117.04 MW of power from NHPC allocated to BYPL shall be temporarily re-assigned to BRPL for the period from 13th July, 2016 till 31.03.2018. An Order dated 12.07.2016 to this effect has since been issued.
6. With the issue of the aforesaid Order dated 12.07.2016 temporarily re-assigning entire 117.04 MW of power from NHPC allocated to BYPL to BRPL for the period from 13th July, 2016 till 31.03.2018, the prayer of the petitioner gets granted and no further action is required on the Petition.
7. With the above directions this Petition is disposed of.
8. Ordered accordingly.

Sd/-
(B.P. Singh)
Member

Sd/-
(Krishna Saini)
Chairperson