Delhi Electricity Regulatory Commission

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

No. F. 11(538)/DERC/2009-10

Petition No. 14/2014

In the matter of: Petition u/S 86 of Electricity Act, 2003 regarding compliance with order dated 30.10.2009 of ATE in appeal No. 37/2008 filed by BYPL.

BSES Yamuna Power Limited
Through its : **CEO**
Shakti Kiran Building,
Karkardooma,
Delhi- 110 092

Apperance:

1. Mr. V.P. Singh, Adv. BYPL
2. Mr. Dushyant Manocha, Adv. BYPL
3. Mr. Paresh B. Lal, Adv. BYPL
4. Mr. Aditya, DGM, BYPL
5. Ms. Prachi Jain, Manager, BYPL

Coram:

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

ORDER
(Date of Hearing: 15.07.2014)
(Date of Order: 17.07.2014)

1. Mr. V.P. Singh, Ld. Counsel for BYPL advanced his arguments for admission of this Petition which has been filed for compliance of the order dated 30.10.2009 of the Appellate Tribunal for Electricity in appeal No. 37/2008 in the matter of BYPL Vs. DERC.

2. While advancing arguments for admission of the Petition Mr. Singh also raised issues regarding Sales Projection, Truing up as per actual figures for FY 2008-09, Power Purchase, Distribution Losses and AT&C losses targets, Reactive Energy Charges incurred by the Petitioner, R&M and AG Expenses, Employee Expenses, Terminal Benefits to SVRS Employees and Capital Expenditure Capitalisation Disallowance, lower approval of capitalization for fresh investment during the MYT Period and impact of lower approval of capital expenditure and capitalization on ROCE and RRB.

3. The Commission noticed that the Petitioner has approached APTEL for implementation of the order in appeal 37/2008 of APTEL in OP1 and 2 of 2012.

4. The Hon'ble Supreme Court, which is also seized of the matter, in its order dated 25.7.2012 in Appeal No. 884 of 2010, 980 of 2010 and 9003-9004 of 2011 had directed that the proceedings before the tribunal in above petitions may continue but judgment should not be pronounced without the leave of the Supreme Court. This order was modified by the Hon'ble Supreme Court by its order dated 28.2.2013 to the effect that judgment may be pronounced in OP1 and 2 of 2013 by the Tribunal but the same may not be given effect to until further orders of this Court.

5. The Commission considered the arguments advanced by the Ld. Counsel, perused the entire record placed before it and examined the relevant order of Supreme Court dated 25.7.2012 in appeal No. 884 of 2010, 980 of 2010 and 9003-9004 of 2011, ATE order dated 14.11.2013 in OP1 and 2 of 2012 and the Petition filed before the Commission and has observed that the petitioner has already availed of the opportunity to present its case on the various issues as raised by the Ld. Counsel, which have already been addressed in the past tariff orders of the Commission.

6. In view of the above, as no further action is required separately in this petition by this Commission, accordingly the petition is not admitted.

7. Ordered accordingly.

Sd/-	***Sd/-***	***Sd/-***
(B.P. Singh)	(J.P.Singh)	(P.D. Sudhakar)
Member	Member	Chairperson