

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

No. F.11(787)/DERC/2011-12/

Petition No. 10/2012

In the matter of: Petition under Section 86(1)(b) and 86(1)(f) of the Electricity Act, 2003 in connection with the disputes and differences arising under the PPA dated 18.07.2008 between the Maithon Power Limited and BRPL

Maithon Power Limited
Jeevan Bharti, 10th Floor,
Tower I, 124,
Connaught Circus,
New Delhi-110 001

.....Petitioner

Vs.

BSES Rajdhani Power Limited
2nd Floor, B-Block
BSES Bhawan, Nehru Place,
New Delhi 110 019

....Respondent No. 1

Tata Power Trading Company Limited
Mahalaxmi Receiving Station,
Senapati Bapat Marg,
Lower Parel,
Mumbai-400013, Maharashtra

.....Respondent No. 2

Coram:

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

Appearance:

1. Mr. Suresh Mukerjee, Adv. MPL
2. Mr. Sakya Singha Choudhuri, Adv. MPL
3. Ms. Mandakini, Adv. MPL
4. Mr. V.P. Singh, Adv. BRPL
5. Ms. Tarunima Vijra, Adv. BRPL
6. Mr. Aashish Gupta, Adv. BRPL
7. Mr. Anirban Das, Asstt. Manager, BRPL

ORDER

(Date of Hearing: 20.11.2012)

(Date of Order 05.12.2012)

1. The Commission heard the arguments advanced by the Ld. Counsel for the Petitioner and Respondent No. 1 primarily on maintainability at some length.
2. The Commission after hearing the arguments made by the Petitioner and Respondent No. 1 raised the following queries on this Petition;
 - a. The duration of power supply under the said Power Purchase Agreement;
 - b. Whether any power was supplied from the same generating unit to any other power purchaser by invoking the jurisdiction of CERC for determination of tariff for power supplied during the above period;

- c. If so, the Petitioner may file copies of the Petition filed by them before CERC and the order passed by CERC for determination of tariff.
3. In response to the said queries of the Commission the petitioner made a request for grant of some time to place on record the relevant information on an affidavit. The Commission has accepted the request of the Petitioner and grants liberty to file said additional information before the Commission within a week with an advance copy to the respondents to file a rejoinder, if any, with in a week after receipt of additional information from the Petitioner.
4. The matter is listed for further hearing on maintainability on 10.12.2012 at 3:30 p.m. at the Commission's office.

Sd/-
(J.P. Singh)
MEMBER

Sd/-
(Shyam Wadhera)
MEMBER

Sd/-
(P.D. Sudhakar)
CHAIRMAN