

DELHI ELECTRICITY REGULATORY COMMISSION

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

No. F.11(1074)/DERC/2013-14/

Application/Petition No. 67 & 68/2011

In the matter of: **Regulation/Diversion of Power Supply relating to BSES Rajdhani Power Limited (BRPL) and BSES Yamuna Power Limited (BYPL) 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, Chairperson,
Sh. J.P. Singh, Member &
Sh. B.P. Singh, Member

Appearance:

1. Mr. Sanjay Sen, Sr. Adv. BRPL & BYPL
2. Mr. Amit Kapur, Adv. BRPL & BYPL
3. Mr. Anupam Varma, Adv. BRPL & BYPL
4. Mr. Vishal Anand , Adv. BRPL & BYPL
5. Mr. Rahul Kinra, Adv. BRPL & BYPL
6. Mr. A. S Gujral, BRPL
7. Mr. Rajeev Chowdhury, BRPL
8. Mr. Kanishk, BRPL
9. Mr. Abhishek Mahapatra, BRPL
10. Mr. Aditya Pyasi, Head, BYPL,
11. Mr. P. R Kumar, BYPL
12. Mr. Deepak , BYPL
13. Mr. Dilip Agarwal, BYPL
14. Mr. Mohit Sharma, Power Deptt.
15. Mr. N.K. Jain, Powergrid
16. Mr. K. K Verma ,DTL
17. Mr. Naresh Meena, DTL
18. Mr. S. P Singh, DTL
19. Mr. P K Mallik, DTL
20. Mr. S .M Verma, IPGCL/PPCL
21. Mr. R.K. Yadav, IPGCL/PPCL
22. Mr. S.M. Siddiqi, TDHC
23. Mr. Guryog Singh, NTPC
24. Mr. N.N. Sadasivan, APCPL/NTPC

ORDER

(Date of Hearing: 31.05.2014)

(Date of Order: 04.06.2014)

1. Mr. Sanjay Sen , the Learned Senior Counsel for BRPL & BYPL filed information regarding actual payment of all current dues of Gencos & Transcos against bills raised for the period from 01.01.2014 in compliance with the Hon'ble Supreme Court order dated 26.03.2014 & 06.05.2014. The same is taken on record.
2. Ld. Sr. Counsel submitted that actual payment of all current dues of NTPC has been made by BRPL and BYPL except deferment/adjustment of arrears of Rs. 65 crores (included in dues of 603 crores for BYPL) and 30% of balance left of dues for the M/o May after deducting Rs. 65 crores i.e. approximately Rs. 97 Crores.
3. Ld. Sr. Counsel further submitted that ATE in its order dated 23.05.2014 held that "*the amount* of Govt. subsidy and UI amounts credited to the Applicants have been correctly adjusted only against the outstanding dues but not against the current dues from January to March, 2014 as per the directions of the Govt. of NCT. Thus an additional liability of Rs. 159 crores and Rs. 96 crores has been fastened on BRPL and BYPL respectively subsequent to the Hon'ble Supreme Court Order dated 06.05.2014. Out of Rs. 159 Crores, Rs. 76 Crores has been paid and Rs. 83 crores dues are outstanding on BRPL and in the case of BYPL outstanding dues are Rs. 96 crores.
4. Mr. Guryog Singh, General Manager, NTPC has submitted that NTPC has received a substantial amount of Rs. 990.82 crores out of total outstanding dues of Rs. 1188.45 crores from BRPL and BYPL today (i.e. 31.05.2014). He has further submitted that NTPC will review the payment performance of both BRPL & BYPL and take appropriate call accordingly in due course of time. Meanwhile Regulation of Power supply to BRPL & BYPL is not being pursued with effect from 01.06.2014.
5. The representatives of IPGCL/PPCL, APCPL and PGCIL submitted that there are still outstanding dues against BRPL & BYPL.
6. The Commission directs BRPL, BYPL IPGCL/PPCL, APCPL and PGCIL to sit together and reconcile the amount of outstanding dues within 2 weeks.
7. Keeping in view the public interest and to avoid any sudden interruption of power supply in GoNCTD, the Commission directs BRPL and BYPL to submit regularly monthly reports in the formats provided by the Commission regarding total revenue received in a month and payments made to Gencos and Transcos and outstanding dues, if any, for regular monitoring of the finances of the DISCOMs
8. Ordered accordingly.

Sd/-
(B.P. Singh)
Member

Sd/-
(J.P. Singh)
Member

Sd/-
(P. D. Sudhakar)
Chairperson