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. V.P. Singh, Adv. BRPL
2. Mr. Aashish Gupta, Adv. BRPL
3. Paresh, Adv. BRPL
4. Mr. Ajay Kumar, VP, BRPL
5. Mr. Sanjay Srivastav, AVP, BRPL
6. Mr. Sunil Bariwal, Manager, BRPL
7. Mr. Sitesh Mukherjee, Adv. MPL,
8. Mr. Sakya Singha Choudhuri, Adv. MPL
9. Mr. Avok Chatterjee, MPL
10. Mr. Surjit Mishra, MPL

ORDER

(Date of Hearing: 23.04.2012)
(Date of Order: 14.05.2012)

1. Mr. Sitesh Mukerjee, Ld. Counsel for the Petitioner (Maithon Power Ltd.) advanced his arguments for suitable directions to BRPL (Respondent No. 1) to pay to the Petitioner an amount of Rs. 1.77 Crore as differential price on account of the difference between the Normative PPA Tariff and the lower Tata Power Trading Company Ltd. Rate at which TPTCL has charged BRPL from time to time, pay to BRPL, STOA Charges amounting to Rs.

1.09 crore which TPTCL had erroneously charged to the Petitioner along with late payment surcharge as per clause 7.4.5 of the PPA @ 1.25% per month from the date of invoice i.e. 28.11.2011 till the date of actual payment.

2. Mr. Mukerjee made arguments for payment of an amount of Rs. 16.90 crores being the outstanding energy charges and payment of an amount of Rs. 35.51 crore being the capacity charges for the un-availed power during the period October, 2011 to December, 2011.

3. Mr. V.P. Singh, Ld. Counsel for BRPL opposed the claims made by Ld. Counsel for the Petitioner. Mr. Singh also raised the issue of maintainability of the said Petition before the Commission.

4. The Commission heard the arguments of Ld. Counsel for Maithon Power Limited and the BRPL.

5. The Commission considered the arguments made by the Ld. Counsel for Maithon Power Ltd. and BRPL and is of the view that Commission will first hear both the parties on maintainability of the said Petition.

6. The matter is listed for hearing on maintainability on 14.05.2012.

7. Ordered accordingly.

Sd/-	Sd/-	Sd/-
(J.P. Singh)	(Shyam Wadhera)	(P.D. Sudhakar)
MEMBER	MEMBER	CHAIRMAN