



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

No. F.11(1374)/DERC/2015-16/5213

**Petition No. 29/2016**

**In the matter of :** Petition u/S 86(1)9f) of the Electricity Act, 2003 Timarpur Okhla Waste Mangement Company Ltd. (TOWMCL) against BRPL (R-1) and SLDC (R-2).

M/s Timarpur Okhla Waste Management Co. Ltd.  
Jindal ITF Centre,  
28, Shivaji Marg,  
New Delhi 110 015

....**Petitioner**

**VERSUS**

M/s BSES Rajdhani Power Ltd.  
Through : its CEO  
BSES Bhawan  
Nehru Place,  
New Delhi 110 019

.....**Respondent\_1**

M/s State Load Dispatch Centre,  
Delhi Transco Limited  
33KV Sub Station Building,  
Minto Road,  
New Delhi 110 002

.....**Respondent\_2**

**Coram:**

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

**Appearance:**

1. Mr. Pawan Upadhyay, Advocate, TOWMCL
2. Mr. Akash Tyagi, Advocate, TOWMCL
3. Mr. Hasan Murtaza, Advocate, BRPL
4. Mr. Irfan Ahmad, TOWMCL
5. Mr. Neelesh Gupta, TOWMCL
6. Mr. Kanshik, BRPL

**INTERIM ORDER**

(Date of Hearing: 31.05.2016)  
(Date of Order: 17.06.2015)

1. The Counsel for the Petitioner submitted that the Respondent No. 1, BRPL has violated certain provisions of the Power Purchase Agreement (PPA) made between them. Firstly, the Respondent No. 1 has not opened the requisite Letter of Credit (LC) in favour of the Petitioner as required under Clause 5.10 of the PPA. Secondly, the Respondent No. 1 has failed to pay the late payment surcharge for default in payment of the billed amount as required under Clause 5.5 of the PPA.

2. The Counsel for the Petitioner further submitted that the Petitioner is a renewable energy generator and it is exempted from paying the wheeling charges as per the Commissions order dated 24.12.2013 and its amendment dated 18.05.2013 for determination of Transmission and Wheeling charges, Cross Subsidy Surcharge under Short term Open Access. However, the Respondent No. 1 has not refunded Rs. 2.83 Crore inadvertently paid as wheeling charges by the Petitioner to the Respondent No. 1.
3. The Counsel for the Respondent submitted that it has not received a copy of the petition and requested the Commission to grant time to file its reply.
4. The Commission directed that the petitioner shall serve a copy of the petition to the Respondents within a week and the Respondents may file their replies within two weeks thereafter, with an advance copy to the Petitioner.
5. The matter is adjourned and the next date of hearing will be informed in due course.
6. Ordered accordingly.

Sd/-  
(B.P. Singh)  
Member

Sd/-  
(Krishna Saini)  
Chairperson