

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

No. F. 11(701)/DERC/2011-12/

**Petition No. 43/2011**

**In the matter of:** Reconsideration/review/modification/withdrawal of the directions dated 20.01.2011 passed by DERC regarding procurement and sale of power by Distribution Licensee.

BSES Rajdhani Power Ltd.,  
Through its: **CEO**,  
BSES Bhawan, Nehru Place,  
New Delhi – 110 019.

**...Petitioner**

**Coram:**

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

**Appearance:**

1. Sh. Ajay Kumar, VP, BRPL;
2. Sh. Sanjay Srivastav, ASVP, BRPL;
3. Sh. Sunil Barnwal, Manager, BRPL;
4. Sh. V. P. Singh, Advocate, BRPL,
5. Sh. Aashish Gupta, Advocate, BRPL;
6. Sh. Harsh Lal, Advocate, BRPL.

**ORDER**

(Date of Hearing: 23.04.2012)

(Date of Order: 14.05.2012)

1. Sh. V. P. Singh, Ld. Counsel for BRPL, submitted that the directions passed by the Commission in the impugned Order are in the nature of sub-delegation of some of the functions of the Commission regarding Regulation of short-term power procurement to the Delhi Power Procurement Group. These directions are ultra vires of the Electricity Act, 2003 because the Commission has been statutorily vested with the power to regulate electricity purchase and procurement process of Distribution Licensee including the price at which electricity shall be procured. The Commission cannot sub-delegate these functions unless there is a specific statutory provision allowing for the same.
2. The Commission heard the arguments advanced by Sh. Singh at length and is of the view that the arguments advanced in the Review Petition needs to be considered by the Commission.

3. The Commission admits the Review Petition and post it for hearing on  
**12<sup>th</sup> July, 2012**
4. Ordered accordingly.

Sd/-  
(J.P. Singh)  
MEMBER

Sd/-  
(Shyam Wadhera)  
MEMBER

Sd/-  
(P.D. Sudhakar)  
CHAIRPERSON