

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

No. F.11(709)DERC/2011-12/

Petition No.47/2011

In the matter of : **Petition under section 86(1)(b) of the E.A. 2003, for approval of Power Purchase Agreement between BYPL & Tato Hydro Power Private Limited for supply of electricity in for an agreement contracted capacity of 210MW of power for a period of 35 years filed by BYPL**

BSES Yamuna Power Limited
Through its : **CEO**
Shakti Kiran Building,
Karkardooma
New Delhi 110 092

....**Petitioner**

Coram:

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

Appearance:

1. Mr. Manoj Pradhan, AVP, THPPL;
2. Mr. Ramji Srinivasan, Sr. Advocate
3. Ms. Sugandha Somani, Adv.;
4. Mr. Varun Singh, Adv.
5. Mr. Kawaljit Bhatia, Adv.
6. Mr. Vivek, Adv.
7. Mr. Ankur, Advocate;
8. Mr. Virnedra Shukla, G.M. BRPL
9. Mr. Sanjay Srivastav, ASVP, BRPL;
10. Ms. Archana Raina, Sr. Manager, BRPL
11. Ms. Megha Bajpeyi, Manager, BRPL;
12. Mr. Sunil , Manager, BRPL;
13. Mr. N.K. Deo, Sr. V.P., BRPL
14. Mr. Ravi BRPL
15. Mr. Aditya, BRPL
16. Mr. Abhishek Ranjan, G.M. THPPL;
17. Mr. Shekhar, Mgr. PMG,

ORDER

(Date of Hearing: 20.07.2012)
(Date of Order: 06.08.2012)

1. The above petition has been filed by M/s BYPL on 27.06.2011 for approval of the Power Purchase Agreements (PPAs) for procurement of 210 MW of power by the licensee from 700 MW TATO-II, Hydro Electric Project in Arunachal Pradesh.
2. BYPL had earlier entered into an MOU in July 2009 with M/s Tato Hydro Power Pvt Limited which is the project developer company and is a subsidiary company of M/s Reliance Power Limited.

3. Subsequently in October, 2010, Power Purchase Agreement (PPA) was initialed by the licensee with M/s Tato Hydro Power Pvt Limited subject to finalization on approval of the Commission.
4. The aforesaid petition has been filed by BYPL for consideration of the following issues:
 - i. Approval of DERC in terms of Section 86(i)(b) of the Electricity Act, 2003 and Regulation 27(iii) of DERC (Comprehensive Conduct of Business Regulations) 2011 which requires approval of the Commission before entering into a contract for procurement of power for transmission, distribution and supply in the State. The aforesaid regulation reads as under :-

"Any transmission or distribution utility, henceforth proposing to enter into a contract to procure and purchase power, including the price at which power may be purchased, from any Generating Company, Generating Station or from any other source for transmission, distribution and supply in the State, shall take approval from the Commission, before entering into such contract."

The supplier/ developer company i.e. Tato Hydro Power Pvt Ltd. (THPPL) is a 100% subsidiary of Reliance Power Limited (R Power), a group company/ related party defined under Accounting Standard ASIS

5. This matter was listed for hearing in the Commission wherein the Counsel of the Petitioner elaborately discussed on the salient features of the above project. However, when the Commission desired to know whether the PPA proposed to be executed on behalf of Tato Hydro Power Private Limited and BYPL has been designed with reference to the provisions of the Standard PPA formulated by the Ministry of Power for Case-2 bidding, the Counsel informed the Commission that there are certain deviations to the above for which he will file a detailed submission giving a comparative chart of such deviations.
6. In view of the above, the Commission directed the Petitioner to file detailed submission in this matter within 15 days.
7. The matter shall now be listed for hearing on 16.08.2012.
8. Ordered Accordingly.

(J.P. Singh)
Member

(Shyam Wadhera)
Member

(P.D. Sudhakar)
Chairman