

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

No. F.11(719)DERC/2011-12/

**Petition No. 51/2011**

**In the matter of :**      **Petition U/s 86 (1)(f) of the Electricity Act for adjudication on disputes between the Petitioner-Pragati Power Corporation Ltd., generating company and the Respondents-BSES Rajdhani Power Ltd. and BSES Yamuna Power Ltd. – distribution licensees.**

Pragati Power Corporation Ltd.  
Himadri,  
Rajghat Power House Complex,  
New Delhi 110 002

.....Petitioner

**VERSUS**

1.      BSES Rajdhani Power Limited  
         BSES Bhawan, Nehru Place,  
         New Delhi 110 019
2.      BSES Yamuna Power Limited  
         Shakti Kiran Building,  
         Karkardooma,  
         Delhi 110 092

..... Respondent

**Petition No. 52/2011**

**In the matter of :**      **Petition U/s 86 (1)(f) of the Electricity Act for adjudication on disputes between the Petitioner-Indraprastha Power Generation Co. Ltd., generating company and the Respondents-BSES Rajdhani Power Lt. and BSES Yamuna Power Ltd. – distribution licensees.**

Indraprastha Power Generation Co. Ltd.  
Himadri,  
Rajghat Power House Complex,  
New Delhi 110 002

.....Petitioner

**VERSUS**

1.      BSES Rajdhani Power Limited  
         BSES Bhawan, Nehru Place,  
         New Delhi 110 019

2. BSES Yamuna Power Limited  
Shakti Kiran Building,  
Karkardooma,  
Delhi 110 092

..... Respondent

**Coram:**

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

Appearance:

1. Sh. Anand K. Ganeshan, Advocate, IPGCL & PPCL
2. Sh. R.K. Jain, G.M. (Comml.) IPGCL & PPCL
3. Sh. R.K. Yadav, Mgr. (Comml.) IPGCL & PPCL
4. Sh. Ranjan Chowdhary, D(F), IPGCL, PPCL
5. Sh. Sanjay Kr. Sharma, AM (Comml.) IPGCL & PPCL
6. Sh. V.P. Singh, Advocate BRPL & BYPL
7. Sh. Dushayant Manocha, Advocate, BRPL & BYPL
8. Sh. Tarunima Vijra, Advocate, BRPL & BYPL
9. Sh. Rajeev Choudhary, CEO, BRPL
10. Sh. Ajay Kumar, BRPL
11. Sh. Abhishek Srivastava, AM, BYPL
12. Sh. Sai Prabha, BYPL

**ORDER**

(Date of Hearing: 17.11.2011)

(Date of Order: 24.11.2011)

1. Mr. Anand K. Ganeshan, Advocate, appearing for IPGCL & PPCL submitted that BRPL & BYPL have made only part payments towards the bills raised by them since October, 2010. From October 2010 till August 2011 the payment of about Rs. 500 Crore is outstanding against BRPL & BYPL.
2. Mr. Ganeshan, further submitted that vide their letter dated 09.06.2011 they requested BRPL to clear the outstanding bills against the invoices raised by them. But it yielded no result.
3. Mr. Ganeshan, further submitted that BRPL did not establish the Letter of Credit in favour of IPGCL and PPLC as per the terms of Power Procurement Agreement (PPA).
4. The IPGCL & PPCL through their Petitions prayed the following:
  - (i) Direct the Respondents to strictly follow the provisions of the PPA and fulfill their due obligations under the PPA.
  - (ii) Direct the Respondents to make the payment to the Petitioner of the outstanding amounts along with the applicable surcharge.

- (iii) Direct the Respondents to establish the Letter of Credit in favour of the Petitioner to the extent of 105% of the average monthly billing.
  - (iv) Direct that in future, the Respondents continue to pay the bills on time and without any delay;
  - (v) Direct that the Respondents will deposit all their receivables in an escrow account from which the payment will be released to the Petitioner.
5. Ld. Counsel Mr. V.P. Singh appearing for BRPL advanced his arguments. Mr. Singh expressed the inability of BRPL to clear the outstanding dues due to shortage of funds. He admitted that BRPL has not paid even the current bills for the month of September and October, 2011.
6. The Commission heard both the parties at length. The Commission directs BRPL to clear the current outstanding dues for the month of September and October, 2011 within 10 days from the date of this order. Subsequently, BRPL will submit a compliance report to the Commission within a week. The Commission further directs the IPGCL, PPCL and BRPL to submit an amortization Plan for outstanding dues from October, 2010-August, 2011 for the Consideration of the Commission within 4 weeks.
7. Ordered Accordingly.

Sd/-  
(J.P. Singh)  
Member

Sd/-  
(Shyam Wadhera)  
Member

Sd/-  
(P.D. Sudhakar)  
Chairman