



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

No. F.11(1305)/DERC/2015-16/C.F.5039

**Petition No. 93/2015**

**In the matter of :** Petition for Re-allocation of power allocated to BYPL by DERC to other DISCOMs.

NHPC Limited  
(A Govt. of India Enterprises)  
NHPC Office Complex, Sector 33  
Faridabad (Haryana) 121 003

.....**Petitioner**

**VERSUS**

BSES Yamuna Power Ltd.  
Through it CEO  
Shakti Kiran Building,  
Karkardooma, Delhi 110 072

....**Respondents**

**Coram:**

**Sh. J.P. Singh, Member &  
Sh. B.P. Singh, Member**

**Appearance:**

1. Mr. Rajiv Shankar, Advocate, NHPC
2. Mr. Hasan Murtaza, Adv. BYPL
3. Mr. Sunil Kakkar, Advocate
4. Mr. Parag Saxena, Chief Engineer, NHPC
5. Mr. Amrik Singh, Sr. Manager, NHPC
6. Mr. Kanishk, BRPL
7. Mr. Sameer Singh, BYPL

**INTERIM ORDER**

(Date of Hearing: 15.12.2015)

(Date of Order: 29.12.2015)

1. Mr. Rajiv Shankar, the Counsel for the petitioner submitted that in all the Power Purchase Agreements (PPAs)/ Bulk Power Supply Agreements (BPSAs) signed by the petitioner with the Delhi Transco Limited (DTL) and Delhi Vidyut Board (DVB), there is a condition of providing Letter of Credit (LC) of 105% of average monthly billing for the preceding 12 months by the beneficiary. Accordingly, the Discoms of Delhi are supposed to maintain LC of requisite amount as per reassigned PPAs, however, BYPL has neither renewed/opened LC beyond 31.03.2014 nor any response was received from it on this issue.
2. The Counsel for the petitioner further contended that, in spite of directions by Hon'ble Supreme Court in Civil Appeal No. 884/2010 and other related matters BYPL did not make timely payment for the 'current energy bills' raised by NHPC. The last payment from BYPL was released in December 2014 and thereafter no

payment has been released till date. Further, he informed that due to the non payment of dues by BYPL, the petitioner was compelled to start regulation of power since 00:00 hrs of 28.03.2015, which is still in force.

3. It is the petitioner's contention that the past performance and present approach of BYPL of non-payment of dues since December 2014 and non-opening of LC since March 2014 despite continuation of regulation, implies that BYPL is not interested to take power from NHPC power stations; and in such a case the portion of power allocated to BYPL i.e 121.10 MW either be re-assigned to other two Discoms viz. BRPL and TPDDL or this portion of power may be declared surplus power so that NHPC may get it reallocated in its favour.
4. Mr. Hasan Murtaza, the Counsel for respondent have controverted the argument of the petitioner and sought permission of the Commission to file its reply alongwith the details of the account.
5. In view of the abovementioned facts, the Commission admitted the Petition and directed that Notices may be issued. The petitioner shall serve a copy of the petition to the respondent within a week; thereafter the reply is to be filed by the respondent within two weeks with an advance copy to the petitioner.
6. The matter was adjourned. The next date of hearing will be informed in due course.
7. Ordered accordingly.

Sd/-  
(B.P. Singh)  
MEMBER

Sd/-  
(J.P. Singh)  
MEMBER