



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

No. F. 11(702)/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. B.P. Singh, Member

Appearance:

1. Mr. Buddy A.Ranganadhan, Adv. BRPL
2. Ms. Bhargavi Kannan, Adv. BRPL
3. Mr. Aishwarya Modi, Adv. BRPL
4. Mr. Rizwana, Adv. BRPL
5. Ms. Megha Bajpayi, BRPL
6. Mr. Sanjay Srivastava, BRPL
7. Mr. A Kumar, BRPL
8. Mr. Kanishk, BRPL

ORDER

(Date of Hearing: 15.11.2017)

(Date of Order: 27.11.2017)

1. The instant Petition has been filed seeking Reconsideration/ review/ modification/ withdrawal of the guidelines/directions dated 20.01.2011 issued by the Commission regarding procurement and sale of power by Distribution Licensee.
2. Ld. Counsel for the petitioner submitted that the present issue has been addressed by the Commission in the DERC (Terms and Conditions for Determination of Tariff) Regulations, 2017 wherein the proviso of Regulation 152 states that:

*“152. True up of ARR for Distribution (Wheeling and Retail Supply)
Licensee shall be conducted on the following principles:*

.....
Provided that short-term arrangement of agreement, other than traded through power exchange, for procurement/sale of power has to be executed through a transparent process of open tendering and competitive bidding guidelines issued by Ministry of Power (MoP), as amended from time to time, unless specific direction issued by the Commission.
....."

3. The Ld. Counsel for the petitioner further submitted that since the DERC (Terms and Conditions for Determination of Tariff) Regulations, 2017, provides that the short term procurement/sale of power should be in terms of the guidelines issued by the Ministry of Power therefore, the instant guidelines/direction dated 20.01.2011 stands superseded.
4. The Commission observes that since the impugned guidelines/direction dated 20.01.2011 stands superseded after the issuance of DERC (Terms and Conditions for Determination of Tariff) Regulations, 2017, therefore the present petition has become infructuous.
5. Accordingly, the petition is disposed of being infructuous.

**Sd/-
(B. P. Singh)
Member**