



## **DELHI ELECTRICITY REGULATORY COMMISSION**

Viniyamak Bhawan, 'C' Block, Shivalik, Malviya Nagar, New Delhi- 110017.

F.11(1394)/DERC/2016-17/5288

### **PETITION NO.27/2016**

- In the matter of:**
- (1) Petition for execution of PPA by the Discoms of Delhi with the petitioner;**
  - (2) Petition for determination of Generation Tariff in respect of MSWtE Project at Bawana; and**
  - (3) Petition for directions for synchronization of the power plant of the petitioner**

**And**

**In The Matter of:**

M/s. Delhi MSW Solutions Limited (DMSL)  
6-3-1089/G/10&11, Gulmohar Avenue,  
Raj Bhavan road, Somajiguda  
Hyderabad-500082, Andhra Pradesh

**Through:** Mr. IYPE George  
Sector 5, Pocket N-1,  
Behind Pragati Power Plant,  
Bawana Industrial Area, New Delhi

**....Petitioner**

**-Versus-**

1. Tata Power Delhi Distribution Ltd.  
Through its: **Managing Director**  
33Kv Sub Station Building,  
Hudson Lane,  
Delhi 110 009,
2. BSES Rajdhani Power Limited  
Through its: **CEO**  
BSES Bhawan, Nehru Place,  
New Delhi-110019.
3. BSES Yamuna Power Ltd.  
Through its: **CEO**  
Shakti Kiran Building,  
Karkardooma  
New Delhi – 110092.
4. The Secretary  
New Delhi Municipal Council  
Palika Kendra, Sansad Marg  
New Delhi 100001

5. Delhi Transco Limited  
Shakti Sadan, Kotla Road,  
New Delhi 110002
6. State Load Despatch Centre, Delhi  
Shakti Sadan, Kotla Road,  
New Delhi- 110002
7. Chief Engineer (Utilities)  
CWE, MES, Kotwali Road,  
Delhi Cantt,  
New Delhi 110011
8. Executive Engineer EMS  
North Delhi Municipal Corporation  
Office of the Executive Engineer (DEMS) I  
Room No. 31, Dr. B.R Ambedkar Stadium,  
Delhi Gate Delhi 110002

...Respondents

**Coram: Sh. Krishna Saini, Chairperson**  
**Sh. B.P. Singh, Member**

**Appearance:**

1. Mr. Hemant Singh, Advocate, DMSW
2. Mr. Hasan Murtaza, Advocate, BRPL and BYPL
3. Mr. Arijit Maitra, Advocate, BRPL and BYPL
4. Mr. Alok Shankar, Advocate, TPDDL
5. Mr. DBSSR Sastry, Associate Vice President, DMSW
6. Mr. D.V. S.R. Rao, Sr. Manager, DMSW
7. Mr. Lalit Chaturvedi, Sr. Manager, DMSW
8. Mr. Maturgupta Mishra, DMSW
9. Mr. Mithun Chakraborty, TPDDL
10. Ms. Nayantara Pande, TPDDL
11. Mr. Uttam Kumar, TPDDL
12. Mr. J.K. Sinha, TPDDL
13. Mr. Varun Sharma, TPDDL
14. Mr. Yuganshu Pathak, TPDDL
15. Mr. Susheel Gupta, SLDC, DTL
16. Mr. Deepak Sharma, SLDC
17. Mr. Kanishk, BRPL
18. Mr. Ravi, BRPL
19. Mr. Sai Prabha, BRPL
20. Mr. Sameer Singh, BYPL
21. Mr. Nishant Grover, BYPL
22. Mr. Sumit Gupta, DTL
23. Mr. Ashok Kumar, DTL
24. Mr. Dinesh Pratap Singh, NDMC
25. Mr. Manoj Kumar, North DMC

**INTERIM ORDER**

(Date of Hearing: 17.05.2016)  
(Date of Order : 31.05.2016)

1. The Instant Petition has been filed by M/s Delhi MSW Solutions Limited (DMSL) pursuant to the direction of the National Green Tribunal's order dated 04.04.2016 wherein it has directed the Commission to determine

the generation Tariff of the Petitioner's MSW Plant for the purpose of sale to the Delhi Distribution companies.

2. The Petition was listed for hearing on 17.05.2016, which was attended by the counsels and representatives of the Petitioner as well as of the Respondents No.1, 2, 3, 4, 5, 6 and North Delhi Municipal Corporation.
3. Counsel for the Petitioner submitted that in compliance of the order dated 29.04.2016 it has circulated the draft PPA to all the DISCOMs. It was also submitted that the petitioner is facing some technical issues for synchronization and therefore the trial run of the plant will start in the 1st week of June, 2016.
4. Counsel for Tata Power Delhi Distribution Limited (TPDDL) submitted that it has received a draft PPA on 10th May only and have furnished its comments to the Petitioner today itself.
5. The representative of New Delhi Municipal Corporation (NDMC) submitted that they have not received PPA till date. A Copy of the draft PPA was handed over to NDMC at the time of hearing and the representative of NDMC sought 10 days time to file its reply/comments on the draft PPA, which was allowed by the Commission.
6. Counsel for the BRPL and BYPL submitted that the draft PPAs have been received today only and reply/comments on the draft PPA shall be furnished to the petitioner by 21.05.2016.
7. Also, Counsel for TPDDL, BRPL and BYPL requested the Commission for granting liberty to file detailed para-wise submissions on the petition, which was allowed by the Commission and they were directed to file their detailed reply by 24.05.2016.
8. Counsel for BRPL and BYPL submitted that the present petition prays for determination of tariff for supply of energy by a generating company to the distribution licensees of Delhi in terms of Section 62 (1) (a) of the Electricity Act, 2003, whereas in terms of Section 64 of the Electricity Act, 2003, no such tariff could be determined without a full public consultation and inviting suggestions and objections from all stake holders. In support

of his submissions he cited the judgment dated 22.08.2014 in Appeal no. 295 of 2013 in the matter of Tata Motors Vs MERC.

9. The Counsel further contended that as per Regulation 9(1) of the Delhi Electricity Regulatory Commission (Renewable Purchase Obligation and Renewable Energy Certificate Framework implementation) Regulations, 2012 *"a new renewable energy project commissioned during the operative period shall have an option of following, either the tariff pricing structure, as may be stipulated in the relevant technology specific tariff regulations of the Commission, or adopt the REC mechanism for pricing of the electricity generated from the project."* Whereas, at present the Commission has not framed any technology Specific Regulations for urban and solid waste generation, therefore the only option available with the petitioner is to adopt the REC pricing mechanism. He further contended that Petition is not maintainable because the Petitioner has not provided any material to support the cost of the project i.e. there is no study or any empirical data, nor any bench marking.
10. The Counsel for TPDDL submitted that it was not clear whether separate PPAs for all the DISCOMS will be required or a similarly worded PPA will be applicable for all the DISCOMS. It was made clear by the Commission that it is basically a bilateral issue. However, eventually all the PPAs have to be approved by the Commission.
11. Regarding finalization of PPA the Commission directed that it should be finalized through a meeting across the table on the following dates by the respective DISCOMS.

TPDDL : 18th, 19th and 20th May, 2016.

BRPL and BYPL : 24th, 25th and 26th May, 2016

NDMC : 31st May, 1st and 2nd June, 2016.

12. With the above directions the matter was adjourned and the Petition is listed for further hearing on 09.06.2016.

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

Sd/-  
**(Krishna Saini)**  
**Chairperson**