

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI  
Record of Proceedings**

**Petition No.19/2009**

- Coram : Dr. Pramod Deo, Chairperson  
Shri S.Jayaraman, Member  
Shri V.S.Verma, Member
- Date of Hearing : 17.12.2009
- Subject : Petition under Section 79 (i) (f) of the Electricity Act, 2003 against Damodar Valley Corporation for non-supply of power allocated to the National Capital Territory of Delhi in accordance with the Power purchase agreement dated 24.8.2006 entered into between Damodar Valley Corporation and Delhi Transco Limited, and thereafter re-assigned to the three Discoms of Delhi vide Delhi Electricity Regulatory Commission's Order dated 31.3.2007.
- Petitioners : 1. BSES Rajdhani Power Limited, New Delhi  
2. BSES Yamuna Power Limited, Delhi  
3. North Delhi Power Limited, Delhi
- Respondents : 1. Damodar Valley Corporation, Kolkata  
2. Delhi Transco Limited, New Delhi  
3. Ministry of Power, Govt. of India, New Delhi
- Parties present : 1. Shri Amit Kapoor, Advocate for the petitioners  
2. Shri Rahul Dhawan, Advocate for the petitioners  
3. Ms. Shobana Masters, Advocate for the petitioners  
4. Shri Ajay Kapoor, NDPL  
5. Shri Anurag Sansal, NDPL  
6. Shri Bharat Gupta, NDPL  
7. Shri J.R.Das, Advocate, DVC  
8. Shri Swetaketu Mishra, Advocate DVC  
9. Shri P.K. Choudhery, DVC  
10. Shri P.Bhattacharya, DVC  
11. Shri Arshad Ali, DTL  
12. Shri Sumit Gupta, DTL

Learned counsel for the petitioners submitted that Appellate Tribunal for Electricity vide its judgment dated 10.12.2009 in Appeal No. 161/2009 has upheld the jurisdiction of the Commission to adjudicate the disputes between the licensees and the generating companies in regard to implementation, application or interpretation of provisions of the agreement and also the fixation of rates at which the generating company has to supply power to the Discoms.

2. Learned counsel for DVC submitted that petitioners had just handed over the copy of its submission dated 15.12.2009 enclosing a chart showing the energy scheduled from DVC to Delhi and copy of the said judgment dated 10.12.2009. He requested for two weeks time to file reply on the submission filed by the petitioner on 15.12.2009.

3. Learned counsel for the petitioners also requested for five weeks time to file individual statement of claim against DVC in terms of the prayer made in the petition. Request was allowed. Accordingly, petitioners may file statement of claim by 29.1.2010 with an advance copy to the respondents. The respondents may file their rejoinder, if any, latest by 27.2.1010.

4. The petition shall be re-notified for hearing on 11.3.2010.

Sd/-  
**(T.Rout)**  
**Joint Chief (Legal)**