

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 160/MP/2013

- Subject : Petition under section 62,79 (1) (a) (b) and (f) and other applicable provisions of the Electricity Act, 2003 read with the Indian Electricity Grid Code notified by Central Commission in of scheduling and dispatch of electricity from the Indira Gandhi STPP of the petitioner at Jhajjar.
- Date of Hearing : 19.11.2013
- Coram : Shri Gireesh B. Pradhan, Chairperson
Shri V.S. Verma, Member
Shri M. Deena Dayalan, Member
Shri A.K. Singhal, Member
- Petitioner : Aravali Power Company Private Limited
- Respondents : BSES Yamuna Power Limited and others.
- Parties present : Shri M.G. Ramachandran, Advocate, APCPL
Shri N.N. Sadashivan, APCPL
Shri Anil Nautiyal, NTPC/APCPL
Shri Dushyant, Advocate, BRPL
Shri Sanjay Srivastava, BRPL
Shri P. Mukhopadhyaya, NRLDC
Shri D.K. Jain, NRLDC
Ms Supriya Singh, NRLDC
Ms Jyoti Prasad, POSOCO
Shri Haridas Maity, BYPL
Shri Ajit Warriar, Advocate
Shri Aashish Gupta, Advocate
Shri Dushyant Manocha, Advocate
Shri Salmon Choudhari, Advocate
Shri Alok Shanker, Advocate, TDPL

Record of Proceedings

Learned counsel for the petitioner submitted that the present dispute has been arisen as Respondent Nos. 1 and 2 are not paying the capacity and energy charges for the quantum of electricity scheduled by NRLDC from the generating station of the petitioner. Learned counsel submitted that the petitioner is required to operate as a

'must run' generating station. Therefore, the respondents are liable to pay their proportionate share of capacity charges, and energy charges for the capacity scheduled by NRLDC. Learned counsel further submitted that the respondents are required to open Letter of Credit in accordance with the provisions of the PPA. However, since September, 2011, the respondents have not opened the LC.

2. Learned counsel for the BRPL and BYPL took preliminary objection to the petition on the ground that the present petition has not been filed in accordance with Regulations 29 (1), (3), (4) Regulation 32 of the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999. He submitted that the petitioner should first rectify the defects before the respondents file their reply on merits. Learned counsel for the respondents requested for time to file its reply on merit.

3. Learned counsel for the petitioner submitted that the defects pointed out by learned counsel for the respondents shall be rectified immediately.

4. The Commission observed that these defects are curable and directed the learned counsel for the petitioner to rectify the defects. The Commission directed that the petition shall be listed for hearing on merit on 21.11.2013 and directed the learned counsel for the respondents to file his reply by that date.

5. The representative of NRLDC explained the background of the generating station running on 'must run' station. He submitted that the power is being scheduled to Delhi Transco Ltd by RLDC, Delhi Transco Ltd should be made a party to the petition.

6. The Commission directed the petitioner to implead Delhi Transco Ltd as a party to the petition and serve a copy of the petition on Delhi Transco Ltd immediately. The Commission also directed the petitioner to file revised memo of parties.

7. The Commission directed issue of notice to Delhi Transco Ltd.

8. The petition shall be listed for hearing on 21.11.2013 on merit.

By order of the Commission

Sd/-
(T Rout)
Chief (Law)