

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 160/MP/2013

Subject : Petition under Sections 62, 79 (1) (a), (b), (c) and (f) and other applicable provisions of the Electricity Act, 2003 read with the Indian Electricity Grid Code notified by the Central Commission in respect of scheduling and dispatch of electricity from the Indira Gandhi Super Thermal Power Project of the petitioner at Jhajjar to Respondent 1 and 2 and adjudication of disputes raised by Respondent 1 and 2.

Date of hearing : 5.8.2014

Coram : Shri Gireesh B. Pradhan, Chairperson
Shri M. Deena Dayalan, Member
Shri A.K. Singhal, Member

Petitioner : Aravali Power Company (P) Limited

Respondents : BSES Yamuna Power Limited and others.

Parties present : Shri Patanjah Dixit, APCPL
Shri S.K. Mundal, APCPL
Shri Dhruv Mehta, Sr. Advocate, BYPL & BRPL
Shri Sameer Abhyankar, Advocate, BYPL & BRPL
Shri Anupam Verma, Advocate, BYPL & BRPL
Shri Rahul Kinra, Advocate, BYPL & BRPL
Shri Vishal Anand, Advocate, BYPL & BRPL
Shri Aditya Syasi, BYPL & BRPL
Ms. Supriya Singh, NRLDC
Ms. Jyoti Prasad, POSOCO
Shri Raj Arora, POSOCO

Record of Proceedings

Learned senior counsel for the respondent Nos. 1 and 2 (BRPL and BYPL) submitted that in compliance with the Commission's direction dated 13.5.2014 and pursuant to Supreme Court order dated 6.5.2014, BRPL and BYPL have paid current dues for the month of January, 2014 to June, 2014.

2. With regard to arrears, learned senior counsel submitted that in compliance with the direction of the Supreme Court, DERC has submitted an amortization schedule giving the road map based on the information given by the distribution companies.

3. In response to the Commission's query regarding road map submitted by DERC, learned senior counsel submitted that the material for preparation of the road map was

supplied by BRPL and BYPL. However, they have certain grievances with regard to the final road map submitted by DERC.

3. Learned senior counsel further submitted that after amortization schedule is approved, the respondents would be able to approach the banks and financial institutions for financing and endeavour to pay the dues of the petitioner. Learned senior counsel submitted that the matter is listed before Hon`ble Supreme Court on 8.9.2014 and requested the Commission to list the matter after the decision of the Hon`ble Supreme Court.

4. Learned counsel for the petitioner submitted that ₹ 488 crore is outstanding against BYPL and BRPL and without schedule payment some bonafide payment should be made by them. Learned counsel for the petitioner submitted that the respondents are liable to pay ₹ 367 crore and ₹ 122 crore as capacity charges and variable charges after adjustment of ₹ 28 crore towards coal adjustment prices.

5. The representative of POSOCO submitted that based on the request from the distribution companies of Delhi, the Central government has reallocated capacity of 693.50 MW to Southern Region States since July, 2014. He requested the Commission to direct the respondents to make payment of capacity charges as per the Commission's order.

6. The Commission directed the petitioner to place on record the outcome of the hearing in the Supreme Court on 8.9.2014. The Commission would take a view on the further listing of the petition thereafter.

By order of the Commission

Sd/-
(T. Rout)
Chief (Law)