

**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 : 1.4.2014
- 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 M.G. Ramachandran, Advocate, APCPL
Ms. Poorva Saigal, Advocate, APCPL
Ms. Anushree Bardhan, Advocate, APCPL
Shri N.N. Sadasivan, APCPL
Shri C.S.Vaidyanathan, Senior Advocate, BYPL and BRPL
Shri Arjit Mitra, Advocate, BYPL and BRPL
Shri Dushyant Manocha, Advocate, BYPL and BRPL
Shri Abhishek Srivastava, Advocate, BYPL and BRPL
Shri Salmoli Choudhuri, Advocate, BYPL and BRPL
Shri Vishal Anand, Advocate, BYPL and BRPL
Ms. Megha Bajpeyi, BRPL
Shri Darshan Singh, DTL
Shri Rajiv Porwal, NRLDC
Ms. Supriya Singh, NRLDC
Shri H.K. Chawla, NRLDC

Record of Proceedings

Learned senior counsel for the respondents, BYPL and BRPL referred the Hon`ble Supreme Court`s order dated 26.3.2014 and submitted that Hon`ble Supreme Court in its said order dated 26.3.2014 directed the distribution companies to pay the current dues starting from 1.1.2014 and the outstanding dues for the past period shall be paid after the Road Map is prepared by DERC for liquidation of Regulatory Assets. The matter is listed for hearing on 29.4.2014. Learned senior counsel submitted that

in terms of the directions of the Supreme Court, it is expected that amortization schedule for liquidation of Regulatory Assets will be issued by DERC before 29.4.2013.

2. Learned senior counsel for BYPL and BRPL submitted that in addition to ₹ 10 crore paid earlier, BRPL has also paid ₹16.00 crore to the petitioner on 31.3.2014. Thus, total amount of ₹ 26.00 crore has been paid by BRPL and the outstanding amount of current bill is approximately ₹31.00 crore. Learned senior counsel submitted that ₹ 28 crore are outstanding against BYPL which include ₹15 crore for the month of January, 2014 and ₹ 13 crore for the month of February, 2014. He further submitted that once the amortization schedule for liquidation of Regulatory Assets is issued by DERC before 29.4.2014, the respondents would pay outstanding dues to the petitioner. Learned senior counsel further submitted that since the matter is listed before Supreme Court on 29.4.2014, the petition may be listed for hearing thereafter.

4. The Commission observed that in the Record of Proceedings dated 20.3.2014, the respondents were directed to file a firm plan for liquidation of the outstanding dues and current dues payable to the petitioner and details of outstanding dues specifying the amount of capacity charge and energy charge and the period for which the outstanding amounts are pending. However, the respondents have not complied with the Commission's directions so far. In response, learned senior counsel submitted unless a road map is given by DERC for liquidation for Regulatory Assets, BYPL and BRPL are not a position to give a firm plan for liquidation of past dues. Learned senior counsel submitted that the details of outstanding dues would be filed within three days.

5. Learned counsel for the petitioner submitted that the order of Hon`ble Supreme Court is a conditional order which makes it mandatory on the respondents to make the current payments irrespective of the amortization schedule given by DERC. The respondents have to continue paying current bill from March, 2014 which shall also include the arrears for January and February, 2014. He further submitted that as on 31.7.2013, DERC approved a cost reflective tariff which included entire Power Procurement Cost from the generating station. The Discoms are making all the payments to others, namely Banks etc. including salary to their executives and employees. However, they are not paying the outstanding dues to the petitioner.

6. Learned counsel for the petitioner submitted that ₹ 57.45 crore and ₹ 31.00 crore are outstanding against BRPL and BYPL, respectively for the months of January and February, 2014. Out of this, BRPL has paid ₹ 26 crore till date while BYPL has not paid any amount. Therefore, ₹ 31.45 crore and ₹31 crore are outstanding against BRPL and BYPL, respectively. With the current dues of March, 2014, the amount will be further added. Learned counsel also submitted that if past period beyond January, 2014 is considered, the outstanding amount would be more than ₹ 500 crore.

7. After hearing the learned counsel for the petitioner and learned senior of the respondents, the Commission observed that in terms of the order of the Hon`ble Supreme Court BYPL and BRPL should ensure that the current dues of the petitioner are paid without any default.

8. The Commission directed BRPL and BYPL to file following details on affidavit, by 2.5.2014 with an advance copy to the petitioner:

(i) The status of payment of current dues and a plan to liquidate the past outstanding dues.

(ii) The details of outstanding dues specifying the amount of Capacity Charge and Energy Charge and the period for which the outstanding amounts are pending, separately for BRPL and BYPL.

9. The petition shall be listed for hearing on 13.5.2014.

By order of the Commission

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