

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 223/MP/2015**

Subject : Adjudication of dispute between the parties involving the Termination of PPAS due to high average power purchase cost of NPTC, NHPC and THDC plants, seeking surrender of power allocation from the stations and requesting issuance of statutory advise to Ministry of Power recommending surrender, reallocation of the petitioner's share from these PPAs in the interest of consumers of petitioner's licensed area of supply in NCT of Delhi

**Petition No. 182/MP/2015**

Subject : Dispute between TPPDL and NTPC Ltd in relation to failure of NTPC to get power reallocated from generating stations which have been delayed for several years and generating stations which have outlived their useful life and are operating at high cost

Petitioner : Tata Power Delhi Distribution Limited

Respondents : NTPC Limited & others

**Petition No. 301/MP/2015**

Petitioner : BSES Yamuna Power Limited

Respondents : NTPC Limited & 2 others

**Petition No. 302/MP/2015**

Petitioner : BSES Rajdhani Power Limited

Respondents : NTPC Limited & 2 others

Subject : Adjudication of disputes and seeking analogous reliefs under Section 79 (1) (a), Section 79 (1) (f) of the Electricity Act, 2003 and the CERC (Regulation of Power Supply) Regulations, 2010.

Date of Hearing : **10.12.2015**

Coram : Shri Gireesh B. Pradhan, Chairperson  
Shri A.K. Singhal, Member  
Shri A.S. Bakshi, Member

Parties present : Shri Gopal Jain, Sr. Advocate, TPDDL  
Shri Alok Shankar Advocate, TPDDL  
Ms. Shimpy Mishra, TPDDL  
Shri Sumit Sachdev, TPDDL  
Shri Arijit Mitra, Advocate, BRPL & BYPL  
Shri Hasan Murtaza, Advocate BRPL & BYPL  
Shri Shobit, BRPL  
Shri M. G. Ramachandran, Advocate, NTPC & THDC  
Ms. Anushree Bardhan, Advocate, NTPC & THDC  
Ms. Poorva Saigal, Advocate, Advocate, NTPC & THDC  
Shri Prashant Chaturvedi, NTPC



Shri Rajnish Bhagat, NTPC  
Shri Shankar Saran, NTPC  
Shri A.K. Pandey, NHPC  
Shri, C.K. Dhanush, NHPC  
Ms. Shubhalakshmi Gupta, NHPC

### **Record of Proceedings**

#### **Petition No. 223/MP/2015 and 182/MP/2015**

During the hearing, the learned senior counsel, TPDDL, referred to the record of proceedings of the hearing dated 6.11.2015 and submitted that though the petitions are listed for maintainability, the Commission, keeping in view the exigency in the matter, may finally dispose of these petitions after directing the respondents to file their replies on merits. To this, the Commission observed that the issue of maintainability would be considered prior to the final disposal of these petitions.

2. The learned counsel for TPDDL submitted that since Ministry of Power, GOI is a party respondent in these petitions, the Commission may direct them to file their response in the matter. The learned senior counsel also submitted that the Commission may grant time to file its rejoinder to the replies filed by the respondents, NTPC and THDC. He also prayed that the matter be listed after completion of pleadings in these petitions.

3. The learned counsel for the respondent NTPC, referred to a letter sent by MoP, GOI and submitted that NTPC has been authorized to represent the views of the MoP, GOI appropriately in the matter. He further submitted that NTPC & THDC have filed their replies in the matter and rejoinder is awaited from the petitioner. The Commission observed that the response of MoP, GOI in these matters are essential to take an appropriate view in the matter and accordingly, directed MOP, GOI to file its response in the matter after serving copies on the petitioners.

4. The representative of NHPC submitted that it has filed its reply in the matter and copy of the rejoinder has also been received from the petitioner.

5. The Commission directed the parties to complete pleadings in the matters, with copy to the other, on or before **5.1.2016**.

#### **Petition Nos. 301/MP/2015 & 302/MP/2015**

The learned counsel for BRPL and BYPL mentioned the filing of these petitions and submitted that the reliefs sought for are similar to the above petitions and prayed that the matter may be heard at the earliest, in view of the urgency.

2. The Commission admitted these petitions and directed issuance of notice to the respondents. The petitioner is directed to serve copy of these petitions on the respondents within one week and the respondents are directed to file their replies by two weeks thereafter. Rejoinder, if any by the petitioner within a week. The parties shall complete their pleadings in these petitions on or before **8.1.2016**.

3. All these petitions shall be listed for hearing on maintainability on **15.1.2016 at 2.30 p.m.** No extension of time shall be granted for any reason whatsoever.

By Order of the Commission

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

