

**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 : 20.3.2014
- Coram : Shri Gireesh B. Pradhan, Chairperson
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
Ms. Swagatika Sahoo, Advocate, APCPL
Ms. Anushree Bardhan, Advocate, APCPL
Shri N.N. Sadashivan, APCPL
Shri Amit Kapoor, Advocate, BYPL & BRPL
Shri Vishal Anand, Advocate, BYPL & BRPL
Shri Arijit Maitra, Advocate, BYPL & BRPL
Ms. Salmori Choudhuri, Advocate, BYPL & BRPL
Shri Dushyant Manocha, Advocate, BYPL & BRPL
Shri Abhishek Srivastav, BYPL
Shri Aditya Pyasi, BYPL
Shri Kauishik, BRPL
Ms Supriya Singh, NRLDC
Shri H.K.Chawala, NRLDC

Record of Proceedings

Learned counsel for BYPL and BRPL submitted as under:

(a) BRPL and BYPL have filed an appeal No. 53 of 2014 against the Commission's order dated 26.12.2013 before the Hon`ble Appellate Tribunal for Electricity and order is reserved in the said appeal.

(b) BRPL and BYPL is unable to pay the outstanding dues to the petitioner and other Central and State utilities in timely manner essentially due to their poor financial position.

(c) The current situation has arisen due to build-up of revenue gap year on year in the absence of an appropriate plan for liquidation of regulatory asset. The lenders, financial institutions and banks are refusing to extend the loan even for day to day operations.

(d) ATE has directed DERC to decide a roadmap for liquidation of the accepted regulatory asset keeping in view the interest of the consumers and the distribution licensees.

(e) BRPL and BYPL have filed Writ Petition Nos. 104 and 105 of 2014 before the Hon`ble Supreme Court seeking directions not to take any other coercive step against them pending disposal of writ petitions. The said writ petitions are listed for final disposal on 26.3.2014.

(f) Once DERC issues an amortization schedule for liquidation of accepted regulatory asset in terms of the applicable law, BRPL and BYPL will endeavor to pay the legally payable dues to the petitioner.

2. Learned counsel for the petitioner submitted that ATE has acknowledged that ARR allowed for 2013-14 by DERC is sufficient to meet the current dues of all the generating companies and transmission licensees. Despite the same, BRPL and BYPL are not making payments, although they are regularly scheduling power from the petitioner`s generating station. Learned counsel for the petitioner submitted that BRPL and BYPL have not complied with the Commission`s interim order and have not come up with an amount to be paid to the petitioner.

3. The representative of the BRPL handed over a cheque amounting to ₹ 10 crore to the representative of the petitioner who acknowledged the same.

4. After hearing the learned counsels for the petitioner, BYPL and BRPL, the Commission directed BYPL and BRPL to submit the following information within one week, with an advance copy to the petitioner:

(a) A firm plan for liquidation of the outstanding dues and current dues payable to the petitioner; and

(b) Details of outstanding dues specifying the amount of capacity charge and energy charge and the period for which the outstanding amounts are pending.

5. The Commission directed to list the matter on 1.4.2014.

By order of the Commission

Sd/-

(T. Rout)

Chief (Law)