

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 373/MP/2018

- Subject : Petition invoking Section 79(1)(b) and Section 79(1)(f) of the Electricity Act, 2003 read with Regulation 111 of the CERC (Conduct of Business) Regulations, 1999 seeking adjudication of dispute between the Petitioner, i.e. BSES Yamuna Power Limited and Damodar Valley Corporation.
- Petitioner : BSES Yamuna Power Limited
- Respondents : Damodar Valley Corporation
- Date of hearing : **21.4.2022**
- Coram : Shri I. S. Jha, Member
Shri Arun Goyal, Member
Shri Pravas Kumar Singh, Member
- Parties present : Shri Buddy A. Ranganathan, Advocate, BYPL
Shri Anupam Varma, Advocate, BYPL
Shri Rahul Kinra, Advocate, BYPL
Shri Aditya Ajay, Advocate, BYPL
Shri Abhishek Srivastava, BYPL
Shri Sameer Singh, BYPL
Shri M. G.Ramachandran, Senior Advocate, DVC
Ms. Anushree Bardhan, Advocate, DVC
Ms. Srishti Khindaria, Advocate, DVC
Ms. Tanya Sareen, Advocate, DVC
Ms. Shikha Sood, Advocate, DVC

The case was called out for virtual hearing.

2. Due to paucity of time, the Petition could not be taken up for hearing. Accordingly, the Commission adjourned the matter.

3. The Petitioner and Respondent are directed to furnish the following additional information, after serving copy to the other parties, on or before 9.5.2022:

A. Petitioner and the Respondent shall furnish the following:

(a) There is variation in the principal and interest amount details furnished by Petitioner as compared to the details filed by Respondent. The same shall be reconciled and submitted;

B. Respondent, DVC shall furnish the following:



- i) *As per the information submitted the Respondent has recovered Rs. 209.46 crore principal amount from 5 beneficiaries, for a total contracted capacity of 350 MW. In this regard, it is observed that the total installed capacity of plant is 500 MW and the principal P & G amount apportioned to the plant is Rs. 411.93 crore. Accordingly, the details regarding the balance 150 MW capacity, balance principal amount of Rs. 202.57 crore and formulae adopted in apportionment of this principal amount amongst the beneficiaries of Mejia 5 & 6, including 150 MW;*
- i) *The details of the beneficiaries of the total plant capacity (500 MW) from COD to 31.03.2009 and from 01.04.2009 to 31.03.2014 along with their allocation and the P & G contribution recovered thereof, from these beneficiaries;*
- ii) *The rationality and basis for the recovery of interest in addition to the principal amount allowed by the Commission. Also, the formulae adopted in interest calculation made against each beneficiary;*
- iii) *The rationale for recovery of lump sum P&G amount in one go, in contrast to decision of the Appellate Tribunal and subsequently the Commission, for a staggered recovery of the said amount;*
- iv) *Reasons for not impleading the Discoms of Delhi, including the Petitioner, in Petition No.138/GT/2013 and Petition No.115/GT/2015 relating to the tariff determination of Mejia TPS Extension, Unit 5 and 6 (500 MW) for the period 2009-14.*

4. The Respondent and the Petitioner shall file their replies and rejoinders on the said information on or before 18.5.2022. The parties shall file the additional information within the due dates mentioned and no extension of time shall be granted for any reason.

5. The Petition shall be listed for hearing in due course for which separate notice will be issued.

By order of the Commission

Sd/-
(B. Sreekumar)
Joint Chief (Law)

