



एनटीपीसी लिमिटेड

(भारत सरकार का उद्यम)

NTPC Limited

(A Govt. of India Enterprise)

केन्द्रीय कार्यालय/ Corporate Centre

Ref No: 01: CD: 152C

Dated: 24-02-2020

To
Chief Executive Officer
BSES Yamuna Power Limited
Shakti Kiran Building
Karkardooma, Delhi – 110 092

Sub: Regulation Notice;

Regulation of power supply to the BSES Yamuna Power Limited (BYPL) as per provisions of the CERC (Regulations of Power Supply) Regulations, 2010 (as amended), Various GOI letters regarding allocations of power from NTPC Stations and various PPAs signed with BYPL

Dear Sir,

You are kindly aware that as per the terms of PPA signed between BYPL and NTPC on 05.06.2008, payments for the energy bills are to be made by the Due Date i.e. last bank working day of the calendar month in which energy bills are raised by NTPC on BYPL. As on date, a total of **Rs 194.75 Cr.** remains unpaid out of which **Rs 114.75 Cr** remains unpaid beyond due dates. In spite of repeated follow ups at various levels, BSES Yamuna Power Limited (BYPL) has yet not liquidated the outstanding dues which are beyond due dates.

The allocation letters issued by Govt. of India provide that in case of default in payment, NTPC has the right to shut-off or restrict power supply from power stations and reallocate power. The relevant extract from one such letter is as given below:

Quote

“ 4. The above allocation will further be subject to the Power Purchase Agreements (PPAs) entered into by NTPC Limited with State Power Utilities/ Union Territory and will further be subject to the beneficiaries ensuring compliance with the financial and commercial terms (including coverage for Letter of Credit) of the PPA signed with NTPC Ltd., the tariff notification and any other directives/ guidelines issued by the Government of India/ Central Electricity Regulatory Commission from time to time.

5. In case of failure of the beneficiaries adhering to the condition mentioned above, NTPC Ltd. may shut off or restrict power supply from the power station and also reallocate the power in case beneficiaries default in payment or where they have not opened LCs of an adequate amount in favour of NTPC Ltd

Unquote

पंजीकृत कार्यालय : एनटीपीसी भवन, स्कोप कॉम्प्लेक्स, 7, इन्स्टीट्यूशनल एरिया, लोधी रोड नई दिल्ली-110003

कार्पोरेट पहचान नम्बर : L40101DL1975GOI007966, टेलीफोन नं.: 011-24387333, फॅक्स नं.: 011-24361018, ईमेल: ntpccc@ntpc.co.in, वेबसाइट: www.ntpc.co.in

Registered Office : NTPC Bhawan, SCOPE Complex, 7 Institutional Area, Lodi Road, New Delhi-110003

Corporate Identification Number : L40101DL1975GOI007966, Telephone No.: 011-24387333, Fax No.: 011-24361018, E-mail : ntpccc@ntpc.co.in

Website : www.ntpc.co.in

As per clause 6.4.1 and 6.4.2 of the PPA, in the event of default in making payment, NTPC shall have the right to regulate and sell BYPL's allocation of power to the third party (ies) at the risk and cost of BYPL.

Quote

"6.4.1. In case of a default in making payment within seven days after the Due Date or on non-availability/non-reinstatement of LC within seven days of its operation or non-restoration of Escrow arrangement within 7 days of the Due Date, NTPC shall be entitled, without prejudice to its other rights hereunder or in law or otherwise, to exercise the option to sell whole or any part of the power allocated to the BYPL, to third parties at the cost and risk of BYPL by giving a notice of seven (7) days, in the manner described herein below:

*6.4.2 NTPC shall have the right to regulate and sell to third parties, BYPL's allocation of **power on pro rata basis i.e., in the ratio of amount due and unpaid to total amount due against the relevant monthly bill.** In case of shortfall in amount of LC available, the right to regulate and the right to sell to third parties shall be in the ratio of shortfall in LC maintained/available to the total amount of LC required.*

Unquote

Emphasis Supplied

BYPL has thus failed to comply with all the above provisions of various agreements and allocation letters issued by Govt. of India. Further, its amount due & unpaid is in excess of one month's relevant bill. $[(\text{Due Amount}/\text{Avg. Billed Amount}) \times 100]$. Therefore, NTPC have a right to regulate and sell BYPL's allocation of power to third party (ies) to the extent of 100.00%.

Further, CERC (Regulation of Power Supply) Regulations, 2010 (as amended) provides that:

Quote

*4. **In case of the outstanding dues** or in case the required Letter of Credit or any other agreed Payment Security Mechanism is not maintained as per the Agreement, **the generating company** or the transmission licensee, as the case may be, **may serve a notice for regulation of power supply, on the Defaulting Entity**, for reducing the drawl schedule in the case of the generating company.....*

6. Upon receipt of the notice under Regulation 4 and within 3 days thereafter, the concerned State Load Despatch Centre/Regional Load Despatch Centre, in whose control area the Regulating Entity is situated, shall make a plan in writing for implementing the regulation of power supply and shall inform the Regulating Entity, Regulated Entity, concerned State Load Despatch Centres, Regional Power Committees, and Regional Load Despatch Centres of the said Plan and shall post the implementation plan on its website.....

8. The regulation of power supply for the Regulating Entity shall be implemented from the fourth day of the notice as per plan prepared by the Regional Load Despatch Centre/State

Load Despatch Centre unless the Regulating Entity requests cancellation of the regulation of power supply.

(Emphasis supplied)

Unquote

Since till date BYPL has not yet paid **Rs. 114.75 Cr** resulting in payment default beyond the due date, notice for regulation of power supply on BYPL is hereby given for effecting regulation of power supply to BYPL w.e.f. **00:00 hrs of 10.03.2020** initially for a period of 15 days as per provisions of the CERC (Regulations of Power Supply) Regulations, 2010 and as per PPAs signed and various allocation letters issued by Gol.

In view of above, power supply to the extent of 100% allocated from NTPC Stations will be regulated to BYPL as per the details given below:

- i) Quantum and source of power from which regulation / diversion is proposed: **533 MW** (Details attached at **Annex-A**).
- ii) The above is likely to result in excess power available to the extent of scheduled reduction.
- iii) Regarding diversion / absorption of regulated share, it is being taken up with other constituents of Northern and other regions to indicate their requirements. As soon as we receive any response from these constituents for absorption of regulated power of BYPL, the same would be communicated to NRLDC.

As per requirement of CERC (Regulation of Power Supply) Regulations, 2010, NTPC is also posting Regulation Notice on NTPC website <https://www.ntpc.co.in/> under the tab "Notices".

The proposed regulation would be **implemented w.e.f. 00:00 hrs. of 10.03.2020** initially for a period of 15 days or till the time outstanding dues get cleared, whichever is earlier. A copy of this notice is also being sent to NRLDC, & ERLDC to prepare implementation plan for regulation of power supply to BYPL and implement the same as per procedure laid down by CERC (Regulation of power supply) Regulations, 2010.

Thanking you,

Yours faithfully,



ED (Commercial)

CC:

1. The Executive Director
Northern Regional Load Dispatch Centre
18-A, Shaheed Jeet Singh Marg
Katwaria Sarai
New Delhi – 16

2. The Executive Director
Eastern Regional Load Dispatch Centre

with a request to prepare **implementation plan** for Regulation/ Suspension of power supply to BYPL and implement the same as per CERC (Regulation of Power Supply) Regulations, 2010



ED (Commercial)

3. Member Secretary, NRPC
4. Member Secretary, ERPC

Distribution List: For kind information please

- Chairperson, CERC
- Chairman, DERC
- Chief Secretary, GNCTD
- Secretary (Power), GNCTD
- JS (Thermal), MoP, Gol

Annexure-A

S.No	Station	Installed Capacity (MW)	BYPL Allocation (MW)
1	Dadri ST-II	980	175
2	Dadri GPS	830	23
3	Auraiya GPS	663	18
4	Anta GPS	419	11
5	Singrauli	2000	74
6	Rihand-II	1000	32
7	Unchahar-I	420	6
8	Unchahar-II	420	12
9	Unchahar-III	210	7
10	Farakka	1600	6
11	Kahalgaon-I	840	13
12	Kahalgaon-II	1500	40
13	Rihand-III	1000	54
TOTAL			533