भारत का राजपत्र
The Gazette of India

EXTRAORDINARY

भाग 1—खंड 1
PART I—Section 1

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं. 110]
नई दिल्ली, बुधवार, मई 31, 2006/प्रेग' 10, 1928

No. 110] NEW DELHI, WEDNESDAY, MAY 31, 2006/JYAISTHA 10, 1928

विचुत मंत्रालय

अधिसूचना

नई दिल्ली, 31 मई, 2006

सं. 2/38/99/बीटीपीएस (खंड VII).—जबकि, बदनपुर, नई दिल्ली में स्थित 720 मेगावाट (705 मेगावाट तक बीटीपीएस) की संस्थापित क्षमता संहिता बदनपुर धर्मपाल पावर स्टेजन में कार्य खत्म की गई थी या इसके साथ सब्ब या इसके संबंधित अधिकार कार्य खत्म स्टेजन की विधिक उपयोग गतिविधि और अन्य संबंधित गतिविधियों या इनके संबंधित मूल्य, नमूना, संचयन और नवीनीकरण, आईआरटी और उपकरण, फ़िल्टरेशन और विसिजिंग, संयोजित हाइड्रॉलिक और अन्य परिस्थितियों, लाइंसेस, अनुमोदन, विशेषाधिकार और सुरक्षा के लिए मुद्दों में हैं;

और जबकि, एनटीपीसी मोटर (इसमें आये इसे एनटीपीसी कहा जाएगा) भारत सरकार का एक उद्देश्य है और कम्पनी अधिनियम, 1956 के अंतर्गत निहित एक कम्पनी है, जिसका प्रतीक्षापत्र कार्ययोजना एनटीपीसी भवन, चौपाई कॉम्प्लेक्स, 7 इस्तीफ़ादानाथ एरिया, जोधपुर, नई दिल्ली—110003 में है;

और जबकि, बदनपुर धर्मपाल पावर स्टेजन का प्रचालन और प्रबंधन एनटीपीसी द्वारा भारत सरकार के लिए और उनकी ओर से किया जा रहा है;

और जबकि, भारत सरकार ने बदनपुर धर्मपाल पावर स्टेजन में उपयोग गतिविधि से संबंधित अधिकार, शीर्षकों और जित दो इनके सम्मान में एनटीपीसी में अंतर्गत करना का निर्णय लिया है, जिससे इसके तारीख में जुडी मुख्य एनटीपीसी को दीर्घ अवधि के लिए लोग (जीपीएस) पर लेने लगेगी;

और जबकि, भारत सरकार और एनटीपीसी ने बदनपुर धर्मपाल पावर स्टेजन एनटीपीसी को सीधे सहूल छोड़ने की योजना तय की है, जैसा इसमें निहित है।

और जबकि, भारत सरकार ने दिनांक 15-5-2006 के पत्र सं. 2/38/99—बीटीपीएस (खंड VII) के माध्यम से बीटीपीएस की एनटीपीसी के पास मुख्यतः किए जाने की स्थूल शर्त और निकायों को संशोधित किया।

और जबकि, एनटीपीसी दिनांक 24 मई, 2006 को दिये गए पत्र सं. 01/एनबीबी/बीटीपीएस/027—601 के माध्यम से बदनपुर धर्मपाल पावर स्टेजन को अधिग्रहण करने के लिए सहमत है।

अब भारत के संविधान के अनुच्छेद 298 के साथ पढ़े गए अनुच्छेद 73 के अंतर्गत इसके अधिकारों का उपयोग करते हुए इसी सहमति एनटीपीसी की है और भारत सरकार एवं जीपीएस निम्नांकन आदेश करती हैं:

1. परिस्थितियाँ [भूमि के अधिकार, जो इसकी धारा—2 के उल्लंघनात्मक पद्धति(लीस) पर दी जाएगी] परिस्थितियाँ पर आपके और इसमें शामिल किन्तु उल्लंघक स्टेजन का भाग बनने वाली या इसके साथ सब्ब या इसकी सम्पूर्णता में उल्लंघक स्टेजन से 1650 GI/2006 (1)
MINISTRY OF POWER
NOTIFICATION
New Delhi, the 31st May, 2006

No. 2/38/99-BTPS (Vol. VII).— Whereas, the BADARPUR THERMAL POWER STATION with an installed capacity of 720 MW (derated to 705 MW) situated at Badarpur, New Delhi, consisting of land, building, plant and machinery, tools and equipment, fixtures, fittings, installations and other assets, licences, approvals, privileges, interest and facilities forming part of or associated with or related to the said station or to the activities of electricity generation in the said station and other activities associated or related therto belong to the Government of India;

And whereas, NTPC Limited, (hereinafter called 'NTPC') is a Government of India Enterprise and a Company incorporated under the Companies Act, 1956 having its registered office at NTPC Bhawan, SCOPE Complex, 7 Institutional Area, Lodhi Road, New Delhi - 110003;

And whereas, Badarpur Thermal Power Station is being operated and managed by NTPC for and on behalf of the Government of India;
And whereas the Government of India has decided to transfer of all the rights, titles and interests relating to generating activity in the Badarpur Thermal Power Station in its entirety to NTPC except that the land connected with the said station shall be given to NTPC on long-term lease;

And whereas the Government of India and NTPC have finalized all the terms and conditions of transfer of the Badarpur Thermal Power Station to NTPC as contained herein.

And whereas Government of India has communicated vide letter no.2/38/99-BTPS (Vol.VII) dated 15-5-2006 to NTPC the broad terms and conditions of transfer of BTPS to NTPC.

And whereas NTPC has agreed to acquire the Badarpur Thermal Power Station from the Government of India vide letter No. 01/NBD/BTPS/027–601 dated 24th May, 2006.

NOW IN EXERCISE OF ITS POWERS UNDER ARTICLE 73 READ WITH ARTICLE 288 OF THE CONSTITUTION OF INDIA AND AS AGREED WITH NTPC, THE GOVERNMENT OF INDIA HEREBY ORDERS AS UNDER:

1. The Badarpur Thermal Power Station, comprising of assets (other than land which shall be given on lease as mentioned in clause-2 herein) interest in assets and including but not limited to building, plant, machinery, tools and equipment, furnitures and fittings, installation and other facilities forming part of the generating station or associated with or related to the generation station in its entirety shall stand transferred to and vest in NTPC effective 1st June 2006 subject to the terms and conditions contained in this Order. The assets relating to generating activity of BTPS to be transferred shall include power systems, plant, machinery, building, offices including office equipments & computers, stores, furnitures, fixtures, vehicles, residential quarters, hospitals including hospital equipments, schools, guest houses and amenities and installations pertaining and attached thereto and other movable and immovable assets, investments, corporeal and incorporeal, tangible and intangible assets, benefits, licences, consents, authorities, registrations and powers of every kind, nature and description whatsoever, privileges, liberties, easements, advantages, benefits and approvals, contracts, deeds, schemes, bonds, agreements and other instruments and interest of whatever nature. Notwithstanding the above the assets shall not however include current assets, debtors, investments, loan & advances of Badarpur Thermal Power Station in excess of those identified as per the audited segregated Balance Sheet pertaining to power business as on 31-05-2006 to be transferred to NTPC.

2. The title to the land of Badarpur Thermal Power Station comprising of 517.08 hectares forming part of the generating station and facilities shall continue to vest in the Government of India and shall be on lease to NTPC for an initial period of 50 years at an annual lease rent equivalent to 10% of the book value of the land.

3. Government reserves the right to review the lease of land if the power generation activity is decided to be stopped or if the land is used or proposed to be used for activity other than for generation of power and other than those connected or incidental to power generation.

4. All assets as described herein above excluding the land which shall be on lease, shall vest in NTPC Limited for consideration to be determined by the Government of India as per the audited accounts of the Badarpur Thermal Power Station as on 31st May, 2006. The said consideration shall be communicated by the Government of India to the NTPC by an Order to be issued for the said purpose.

5. Except for the identified current liabilities and provisions related to day to day generation activity of BTPS including all employee and working capital related liabilities and provisions in the audited segregated Balance Sheet, pertaining to power business as on 31-05-2006 to be transferred to NTPC, the Badarpur Thermal Power Station shall stand transferred and vest in NTPC as on 1st June 2006 without any liability of the station which relate to the period before 01-06-2006. All other liabilities of any nature whatsoever shall be to the account of the Government of India absolutely.

6. The electricity generated from the generating capacity of Badarpur Thermal Power Station existing as on date shall be supplied by NTPC to the National Capital Territory of Delhi w.e.f. 01-06-2006 in terms of the agreement and arrangement for sale of electricity as applicable to the Govt. of India up to 31-05-2006 till it is decided otherwise by the Government of India.

7. Effective 1st June, 2006, NTPC shall undertake all activities at the Badarpur Thermal Power Station to the account of NTPC and not on behalf of the Government of India.

8. The consideration for the transfer of BTPS to NTPC shall be paid by NTPC to the Government of India within 100 days of communication of the transfer value which will be arrived at on the basis of audited accounts as on 31st May, 2006 by the Government of India.

MRUTUNJAY SAHOO, Jr. Secy. & Financial Adviser