



**Delhi Electricity Regulatory Commission**  
**Viniyamak Bhawan, 'C' Block, Shivalik, Malviya Nagar, New Delhi – 110017.**

No. F.11(1992)/DERC/2022-23/7404

**Petition No. 30/2022**

In the matter of : **Petition u/S 86 (1) (b), (c) and (e) of the Electricity Act 2003 read along with Regulations 3, 4, 5, 7, 13, 14 and 15 of the Electricity Regulatory Commission (Renewable Purchase Obligation and Renewable Energy Certificate Framework Implementation) Regulations, 2021 seeking relaxation/removal of difficulty in implementation of the said 2021 RPO Regulation of the said 2021 RPO Regulations while Restoring the Order dated 01.06.2017 passed by the Commission.**

**Duggar Fiber Pvt. Ltd.**

...Petitioner

**Vs.**

**Tata Power Delhi Distribution Ltd. & Ors.**

....Respondent

**Coram:**

**Hon'ble Shri Justice Shabihul Hasnain 'Shastri', Chairperson**  
**Hon'ble Dr. A. K. Ambasht, Member**

**Appearance:**

Mr. Tushar Jain, Adv., Duggar Fiber Pvt. Ltd.

**ORDER**

(Date of Order: 01.08.2022)

1. The aforesaid Petition has been filed by M/s Duggar Fiber Pvt. Ltd. for seeking relaxation/ removing of the difficulties in implementation of the DERC (Renewable Purchase Obligations and Renewable Energy Certificate Framework Implementation) Regulations, 2021, by restoring the Order dated 01.06.2017 passed by the Commission The relevant extract of Orders dated 01.06.2017 and 03.09.2021 are quoted herein below:

**Order dated 01.06.2017 para 6(2)**

*6 (2) "Wheeling, Transmission and Additional surcharge shall not be applicable on Open Access Consumers availing energy from all renewable energy sources within or outside Delhi. Open Access consumer receiving electricity from renewable energy sources shall be exempted from the cross subsidy surcharge to **the extent of RPO.**"*

**WEAR FACE MASK**

**WASH HANDS REGULARLY**

**MAINTAIN SOCIAL DISTANCING**

**Order dated 03.09.2021**

**Amendment of Clause 6 of the Principal Order**

*“6(2) Open Access consumer receiving electricity from renewable energy sources within or outside Delhi shall be exempted from Wheeling charges, Transmission Charges, Cross Subsidy Surcharge and Additional Surcharge, **to the extent of quantum of RPO compliance**, as specified in the Delhi Electricity Regulatory Commission (Renewable Purchase Obligation and Renewable Energy Certificate Framework implementation) Regulations, 2021, as amended from time to time. “*

2. Mr. Tushar Jain has forcefully argued that the relaxations given earlier may be restored and exemptions may be allowed to him on his request. He was informed that the matter is already engaging the attention of the Hon'ble High Court of Delhi, where the withdrawal of exemptions has been challenged by way of two Writs. Mr. Jain still wanted to argue that a Petition for relaxation is maintainable before the DERC because the Regulations provides for removal of difficulties also. We have given our anxious consideration to the argument of Mr. Jain but we have not been able to be persuaded on the lines of the arguments of the Petitioner. No exemption can be claimed as a matter of right, more so, when the exemption has been withdrawn by way of legislation. It is not an individual act and will have effect on a number of persons, institutions and consumers. It is a policy matter and the application by the Petitioner is not maintainable though it has been couched in a different packaging but in a sense the relief sought by the Petitioner is almost akin to the relief sought in the two Writs before the Hon'ble High Court of Delhi. On both the counts, the Petition is found lacking on merits and rights. The Petition being misconceived and is accordingly dismissed.

Sd/-  
(Dr. A.K. Ambasht)  
Member

Sd/-  
(Justice Shabihul Hasnain 'Shastri')  
Chairperson