Delhi Electricity Regulatory Commission

Viniyamak Bhawan, 'C' Block, Shivalik, Malviya Nagar, New Delhi – 110017.

F.11(2427)/DERC/2025-26/8703

Petition No. 07/2026

In the matter of: Petition under Section 50, 86(1)(a), 127, 129, 142 and other applicable provisions of the Electricity Act, 2003 read with Regulations 6, 17(5) and 84 of the applicable provisions of DERC (Supply Code and performance Standards) Regulations, 2017 and in terms of Tariff Order dated 30.09.2021 passed in Petition No. 1 of 2021 for True up of expenses upto FY 2019-20 and Aggregate Revenue Requirement for FY 2021-22.

National Capital Region Transport Corporation Ltd. … Petitioner

Vs.

BSES Rajdhani Power Limited. …Respondent

Coram:
Sh. S.C.L. Das, Chairperson
Sh. Ajay Kumar Jain, Member (Legal)
Sh. Praveen Gupta, Member (Technical)

Appearance:
1. Mr. Pulkit Agarwal, Ld. Counsel for the Petitioner
2. Mr. Buddy A. Ranaganadhan, Ld. Sr. Advocate for the Respondent
3. Ms. Urvashi Misra, Ld. Counsel for the Respondent
4. Mr. Aditya Vikram Jalan, Ld. Counsel for the Respondent

ORDER

(Date of Order:13.11.2026)

1. The Petitioner, National Capital Region Transport Corporation Ltd. (NCRTCL) has filed the present Petition *inter-alia praying:*

   a) Admit the Petition.

   b) declare that the Petitioner, National Capital Region Transport Corporation Ltd. is to be classified in regard to the electricity Connection being CA No 154851265 taken at Sarai Kale Khan or any other connection from the Respondent BSES Rajdhani Power Limited under the category of 'Public Utility' as in the case of Delhi Metro Rail Corporation;

   c) direct the Respondent BRPL, to retrospectively amend the classification contained in the invoices raised on the Petitioner and direct the refund of the excess amount including excess security Deposit along with interest charged for the said connection.

   d) permit the Petitioner to extend power supply from its electric network at 33 kV & 415 Volts including dedicated commercial feeder panel at each

station to its operators/commercial consumers and charge them Non-Domestic tariff of the Respondent;

e) permit the Petitioner to charge all such operators/ commercial consumers who are having sanctioned load above 215 KVA but served at LT (415 Volts), the tariff applicable to Non-Domestic Low Tension (NDLT) category greater than 140 kW/150 kVA (415 volts);

f) permit the Petitioner to retain 5% of tariff along with an additional retention of either 4 % (for supply on 33kV/66 kV) from the payment to be made to DISCOM for the energy consumption by such operators / commercial consumers or as per the tariff order of this Commission as amended from time to time and

g) make the terms & conditions as specified by this Commission for Delhi Metro Rail Corporation vide letter dated 29.02.2012 applicable upon the Petitioner

Petitioner's Submissions

2. The Petitioner has submitted the following:

i. NCRTC is a Joint Venture Company of the Government of India (Share-50%) and participating State Governments of National Capital Territory of Delhi, Haryana, Rajasthan and Uttar Pradesh (Share-12.5% each). NCRTC is established for designing, developing, implementing, financing, operating and maintaining Regional Rapid Transit System (hereinafter referred to as 'RRTS') projects in the National Capital Region (NCR), which is one of the largest urban agglomerations in the world covering an area of approx. 58,000 Sq.Km with a population of around 46 Million.

ii. The RRTS projects taken up by the NCRTC are governed under the Metro Railways (Construction of Works) Act, 1978 (Act No.*33 of 1978*), the Railways Act, 1989 (Act No.24 of 1989), the Delhi Metro Railway (Operation and Maintenance) Act, 2002 (Act No.60 of 2002), as amended through the Metro Railways (Amendment) Act, 2009 (Act No. 34 of 2009) and the Metro Railways General Rules, 2020 as amended through the Metro Railways General (Amendment) Rules, 2022.

iii. The Delhi- Ghaziabad- Meerut (D-G-M) corridor is a flagship project of the Delhi NCR. NCRTC is committed to nation building and to make the entire said corridor operational shortly and the section from New Ashok Nagar in Delhi to Meerut South in Uttar Pradesh is already commissioned.

iv. Further, NCRTC considering the requirements of the public at large as well as the nature of activity being conducted by NCRTC and the aim and object of the overall development of the transport sector of the country; plans on offering retail shops, malls, offices etc. inside its RRTS stations/ depots. NCRTC aims to and plans

to extend electricity to such operators/ commercial consumers in its foot print areas.

v. The power requirement of D-G-M Corridor of NCRTC in Delhi has been planned to be taken from BRPL through its Receiving Sub Station (RSS) connected with 66 kV grid substation of Delhi Transco Limited (DTL) at Sarai Kale Khan. The said RSS will obtain their energy requirement from 66 kV Grid Substation of DTL at Maharani Bagh and GTPS (IGPCL) through BRPL.

vi. NCRTC will also be requiring electricity in the states of Uttar Pradesh, Haryana and Rajasthan besides other licensees's area in the Government of Delhi Region in the due course and therefore will be seeking such electricity connection in the respective areas from time to time. However, the present petition is confined to the electricity requirement of NCRTC within the licensed area of BRPL, the Respondent herein.

vii. On 14.05.2025, NCRTC made an application to BRPL (Division Office, Nizamuddin West Near HP Petrol Pump New Delhi-110013) for electric connection with 5MVA Load on 66KV system. In the application NCRTC requested the connection be given categorizing NCRTC as a 'Public Utility'.

viii. Vide letter dated 28.05.2025, NCRTC requested this Commission that considering RRTS projects of NCRTC are governed with the same Acts and Rules as applicable for DMRC, applicability of electricity tariff for RRTS projects of NCRTC be under "Public Utilities" category similar to that of DMRC in Delhi.

ix. Vide letter dated 25.07.2025, the Respondent demanded a security deposit of Rs.2,25,00,000/- for the purposes of providing the permanent supply of 100MW from the Maharani Bagh GSS with the initial load of 5MVA under Non-Domestic category of HT (66KV) system.

x. On 29.07.2025, a joint meeting was convened by this Commission and it was concurred that Regulations 17(5) and 17(6) of Delhi Electricity Regulatory Commission (Supply Code and Performance Standards) Regulations, 2017, consumers are entitled to request a change in category based on a change in legal status or nature of usage.

xi. Pursuant to the above meeting, a formal request was sent by NCRTC vide its letter dated 30.07.2025 to the Respondent for reclassification of the Petitioner under "Public Utilities" Category.

xii. Considering the urgency of the energization of RSS at Sarai Kale Khan and the commissioning schedule of the D-G-M corridor and without prejudice to request for its classification under the "Public Utilities" category, NCRTC deposited an

amount of Rs.2,25,00,000 as per the demand note issued under the existing classification.

xiii. On 11.08.2025, BRPL has proceeded to give an electric connection being CA No 154851265 NCRTC, classifying and categorizing NCRTC as 'Non-Domestic (HT) Consumer'. NCRTC sent a reminder dated 14.08.2025 to BRPL for reclassification of the Petitioner under "Public Utilities" Category. The classification and categorization of NCRTC as 'Non-Domestic HT Consumer' instead as 'Public Utility' is patently erroneous and is contrary to Regulation 6 of Delhi Electricity Regulatory Commission (Supply Code and Performance Standards) Regulations, 2017 (hereinafter referred to as 'Delhi Supply Code, 2017')

xiv. In terms of the above, this Commission has classified the activities of the nature being undertaken by NCRTC, in the case Delhi Metro Rail Corporation Limited as a 'Public Utility' in the tariff order dated 30.09.2021 passed in Petition No.1 of 2021 as also in the previous order from 2003 orders.

xv. Since, the activities of NCRTC falls squarely within the scope of 'Public Utility Category' under the Tariff Order, in terms of Regulation 6 of the Delhi Supply Code, 2017, BRPL ought not have categorized NCRTC under 'Non-Domestic HT Category' and was required to correct the categorization and bill NCRTC only at the tariff applicable to 'Public Utility'

xvi. Regulation 17(5) of the Delhi Supply Code, 2017 provides as under:

17. Existing connections:-

(5) Change of category on the request of consumer:-

(i) The applicant shall apply for change of category in the format prescribed in the Commission's Orders.

(ii) The Licensee shall conduct site inspection to verify within 7 (seven) days from the receipt of application and shall record the meter reading at the time of inspection.

(iii) If on inspection, the request of the consumer for change of category is found genuine, change of category shall be made effective from the date of inspection and the same shall be reflected in next billing cycle.

(iv) Arrear or excess charges shall be determined based on the actual period of earlier classification based on documentary evidence provided by the Licensee or the consumer as the case may be, limited to a period of 12 (twelve) months and the account of the consumer shall be suitably adjusted.

(v) In case change to such category is not permitted under any law in force, the Licensee shall inform the consumer within 7(seven) days from the date of application.

(vi) *If the category is not changed within the said period, the consumer shall be entitled to seek and the Licensee shall be liable to pay the compensation as specified in Schedule-I of the Regulations.*

xvii. It is submitted that the cost of electricity is a major cost component in the operational stage of RRTS. Cost of electricity works out to 30 to 35% of Operations & Maintenance (O&M) cost excluding interest and depreciation etc. of RRTS and has thus a great bearing on the overall cost of operations. Reduced expenses on electricity would go a long way in making RRTS, sustainable and affordable for the commuters.

xviii. This Commission vide its tariff order dated 26.06.2003 in Petition No.9 of 2002 filed by BRPL while creating a separate category for DMRC had observed as under:

"5.13.1.3 Commission's view

After considering and analysed in detail the submissions made by the petitioner and DMRC and also the response from the Government. The Commission recognises that DMRC is a social sector utility for the public of Delhi and its viability is greatly impacted by the prices of electricity. Being a new consumer at 220 kV and with its differentiating nature of services and operations, the Commission is inclined to agree with the view of the Government that DMRC may be treated as a separate category of consumers whose tariff would be based upon the actual cost of supply excluding both the subsidy and cross-subsidy elements. This will also be in line with the objective of the Commission that it has to move towards cost of supply for all categories of consumers. Accordingly, the Commission has determined the tariff for DMRC on the basis of actual cost of supply by TRANSCO to DMRC and the nominal component of overheads of the DISCOM……..

5. ……

5.13.2 Tariff for DMRC

In view of the above, the Commission approves a tariff of 230 paise/kVAh for DMRC."

xix. Further, this Commission vide its letter dated 29.02.2012 to DMRC has been pleased to accept the request of DMRC as regards supply being made by it to the commercial establishments within its premises and decide the same with the following directions:

..... it has been decided that for all commercial consumers of DMRC, drawing power at LT i.e. 400 V (since DMRC does not have any provision for supply of power at 11 kV), DMRC may retain 5% of tariff along with an additional retention of either 2 ½%(for supply on 66 kV) or 4% (for supply on 220 kV).

"Regarding the tariff to be charged from the commercial consumers who are having sanctioned load above 215 KVA but served at LT (415 Volt), it has been decided that such consumers shall be charged the tariff applicable to Non Domestic Low Tension (NDLT) category greater than 100 kW/108 kVA [415 Volts)"

xx. The additional retention amount on account of higher voltage level has later been revised to 4% for 33kV / 66 kV & 5% for 220 kV by this Commission in its tariff order of Financial Year 2021-2022.

xxi. With the object to contain the expenditure of electricity, being one of the major components of operational expenses of this project and considering the dispensation being granted to DMRC, NCRTC vide its letter dated 10.08.2023 requested this Commission as under:

In view of above, this Hon'ble Commission is requested to allow NCRTC for the following in line with letter dated 29.02.2012 to DMRC:

i. to extend power supply from NCRTC electric network at 33 kV & 415 Volts including dedicated commercial feeder panel at each station to its operators/commercial consumers and charge them Non-Domestic tariff of DISCOM.

ii. all such operators/ commercial consumers who are having sanctioned load above 215 KV A but served at LT (415 Volts) to be charged the tariff applicable to Non-Domestic Low Tension (NDLT) category greater than 140 kW/150 kVA (415 volts).

iii. to retain 5% of tariff along with an additional retention of either 4 % (for supply on 33kV/66 kV) from the payment to be made to DISCOM for the energy consumption by such operators / commercial consumers or as per the tariff order of this Hon'ble Commission as amended from time to time.

iv. Applicability of other terms & conditions as per this Commission vide letter dated 29.02.12.

xxii. That NCRTC has been set up primarily for the purpose of providing safe, fast, reliable, accessible, convenient, comfortable, efficient and affordable public transport service.

xxiii. That RRTS Project is one of the key strategic public infrastructure project of the Central and State Governments to empower citizens through access to education, healthcare, employment, and economic opportunities and address issues of severe congestion, hazardous air pollution and unmanageable urban sprawl through rail based high-speed, high-frequency regional commuter transit system. RRTS will connect NCT of Delhi and big cities, towns, other suburban and

urban centers in NCR with high-speed RRTS system, and will run right across the city centers, thus providing a seamless multi modal transit network to the entire NCR region. With a design speed of 180 kmph and an operational speed of 160 kmph, RRTS will be the fastest, most comfortable and safest mode of commuter transport in NCR. Such high-speed seamless connectivity will not only improve regional connectivity but also help promote polycentric, balanced and sustainable economic development of entire NCR.

xxiv. That promoting clean, green and efficient public transport infrastructure like RRTS not only empowers citizens by improving their access to umpteen opportunities, but is also key for balanced and sustainable urban development and accelerated economic growth. Thus, the urban transport projects, including urban rail system, are clearly public utility service provider on account of large economic and social benefits.

xxv. That high capital-intensive Projects such as RRTS have low financial returns and therefore keeping the operational costs low is of critical importance both for keeping the affordable fares and financial sustainability. Electricity being the only source of energy for operation of RRTS Project. The cost of electricity is a major cost component in the operational stage of RRTS, which works out to approximately 30-35% of Operation & Maintenance ("O&M") cost of RRTS and has thus a great bearing on the overall cost of operations. Therefore, reduced expenses on electricity would go a long way in making RRTS, sustainable and affordable for the commuters.

xxvi. That the requirement of self-sustainable Metro/RRTS has been stressed upon by the Government of India in Metro Policy-2017, which provides as under:

> *"Pricing of urban transport is a public policy issue and should be aimed at encouraging public transport. Therefore, it should be determined in a manner that it may incentivize modal shift from private vehicles. Financial support of state government/ city authorities to ensure good financial health of the agency implementing/ operating the metro rail project will be essential and will need to be provided within a well-defined framework"*

xxvii. That NCRTC is a public oriented rail-based transport service and a non-profit sector. NCRTC does not handle commercial freight operations in addition to providing commuter service, as such there is no subsidy and cross subsidy from commercial freight operations to meet the operational costs.

xxviii. That since RRTS projects under taken by NCRTC, as in the case of DMRC being urban public transport modes, are governed by the Metro Railways (Construction of works) Act 1978 and Metro Railways (Operation and Maintenance) Act 2002

etc as applicable in the case of DMRC, it is submitted that the tariff of NCRTC for its RRTS project should be in the same category as is applicable for DMRC.

xxix. That this Commission recognizing that DMRC is a social sector utility for the public of Delhi and its viability is greatly impacted by the prices of electricity vide its Order dated 26.06.2003 passed in Petition No. 9 of 2002 decided that DMRC may be treated as a separate category of consumers whose tariff would be based upon the actual cost of supply excluding both the subsidy and cross-subsidy elements. It is submitted that NCRTC is also a social sector utility like DMRC and is still in the process of building up its infrastructure, its tariff should be in the same category as that of DMRC.

xxx. That in order to provide commuters of Delhi an environment friendly and comfortable facility, NCRTC is creating its infrastructure and providing world class facility at very low price. In order to make the operation of NCRTC sustainable in State of Delhi, NCRTC may be reclassified as 'Public Utility' as in the case of DMRC.

xxxi. That NCRTC will take power from the Grid Substation of DTL at 220 /66KV through the transmission lines/cable and then will step down at various voltage levels and finally to LT level i.e. at 440V at NCRTC's end for use of its auxiliary supply and extending the same to various commercial consumers in NCRTC foot print area. The Respondent shall not be laying down any distribution network within such RRTS metro stations or geographical area. The transformation of electricity from 220 /66kV system of DTL upto 440V supply will result into transformer losses and transmission losses besides maintenance cost of the associated infrastructure, which shall be borne by NCRTC alone. That this Commission has already accounted for the above reasons and vide its letter dated 29.02.2012 (quoted above) as amended vide tariff orders passed from time to time, provided for the mechanism to be adopted by DMRC for the purposes supplying power to commercial establishments at its premises.

xxxii. NCRTC before this Commission is also seeking a similar indulgence for supplying power to the commercial establishments that may be setup at its premises on the same terms and conditions as are made applicable upon DMRC for supplying power to the commercial establishment within is premises.

xxxiii. In the facts and circumstance mentioned above, the levy and collection of tariff by BRPL from NCRTC at the Non-Domestic (HT) rate since the grant of electricity connection on 23.08.2025 is contrary to law and BRPL is required to return the excess amount charged including refund of excess Security Deposit over and above the amount payable under the category of 'Public Utility' along with interest.

Respondent's Affidavit

3. The Respondent has filed an affidavit 15.04.2026 before the Commission wherein it is submitted that:

   i. The Respondent has at all times acted in accordance with the applicable laws, including the Supply Code and the Tariff Order. As a distribution licensee, the Respondent is bound to classify and categorise consumers strictly in accordance with the Commission's Order. Further it is expressly prohibited from creating any additional category beyond the approval granted by the Commission.

   ii. Para 5.31 of the Tariff Order only recognises the following as 'Public Utility': (a) Delhi Jal Board – for pumping load and Water Treatment Plants: (b) Railway Traction – for Indian Railways; (c) Delhi Metro Rail Corporation, for traction load, (d) Public lighting, Street lighting, signals and blinkers. The Petitioner does not appear in this exhaustive list. Consequently, the Respondent had placed the Petitioner in the Non-Domestic (HT) Consumer' category contained the residuary clause covering "any other category of consumers not specified/covered in any other category in this Schedule."

   iii. The Respondent undertakes to abide by the directions of the Commission if this Commission were so pleased to amend the Tariff Categorisation in the Tariff Order, to include the Petitioner for the purpose of 'Railway Traction' from the Respondent, under the category of '*Public Utility*', as in the case of Delhi Metro Rail Corporation. Further, with respect prayers (b) and (g), the Respondent has no objection if the same dispensation and direction as Delhi Metro Rail Corporation is made applicable to the arrangement between the Petitioner and the Respondent.

4. The matter was listed for hearing on 23.04.2026 wherein the order is reserved and the Commission sought clarification on the manner by which any retrospective tariff reduction, as claimed by the Petitioner NCRTCL during the FY 2025-26 and 2026-27 (till date), would be addressed in the existing tariff schedule and directed the Petitioner shall file its written submission on this point within 7 days.

5. In compliance of the Commission's Order dated 23.04.2026 the Petitioner has filed the Written Submission on 30.04.2026 which is as follows:

   i. The subject matter relates to category in which NCRTC is required to be placed in terms of the Tariff Order dated 30.09.2021 wherein the

categorization of the consumers was last decided and the same is prevalent since then.

ii. The basic categorization of the consumers under the Tariff Structure and the Tariff Schedule are (1) 'Domestic Tariff', (2) 'Non – Domestic Tariff', (3) 'Industrial Tariff', (4) 'Agriculture', (5) 'Mushroom Cultivation', (6) 'Public Utilities', (7) 'Delhi International Airport Limited (DIAL)', (8) 'Advertisement and Hoardings', (9) 'Temporary Supply' and 910) 'Charging of E-Riskshaw/E-Vehicle'.

iii. The category 'Public Utilities' mentioned at Item 6 (Page 47 of the Petition) would obviously cover all public utilities which answers the descriptions of public utilities as understood in common parlance. The reference to Delhi Jal Board, Railway Traction, Delhi Metro Rail Corporation (DMRC), etc are public utilities and therefore, fall under the categorization of 'Public Utilities'. The categorization 'Public Utilities' is not with any qualification that it would only include the itemized (a) to (d) mentioned in Para 5.31 but extend to all institutions/entities which are giving public utility services. This is particularly in the case of NCRTC where the nature of supply to NCRTC akin to nature of supply to DMRC and also Railway Traction which have been illustratively mentioned under Item 6.

iv. The perusal of the other heads of categorization clearly suggests that the nature of activities undertaken by NCRTC cannot be classified as 'Domestic Tariff', 'Non – Domestic Tariff', 'Industrial Tariff', 'Agriculture', 'Mushroom Cultivation', 'Delhi Internation Airport Limited (DIAL)', 'Advertisement and Hoardings', etc.

v. By pith and substance, the nature of the activities of NCRTC need to be considered only as a public utility under Item 6. If the nature of the activity of NCRTC is that of a Public Utility, it would be patently discriminatory, arbitrary and without any justification for classifying it any category other than Public Utility.

vi. In regard to the above, the categorization by the tariff order for FY 2021-22 has continued unamended till date. At the time of passing of the Tariff Order dated 30.09.2021 the NCRTC was not a consumer at all in the National Capital Territory of Delhi seeking electricity for traction. There was therefore no occasion for considering the categorization of NCRTC at the relevant time by specific reference to NCRTC such as DMRC or Indian Railways. The need for considering NCRTC under the existing tariff structure/tariff schedule arose only in May, 2025 when it was envisaged the traction energization would be sometime in the month of August, 2025.

vii. There is no need for any amendment or modification or variation of the tariff schedule which has been made applicable since 2021. NCRTC rightfully falls under 'Public Utilities' for the purposes of its traction requirement similar to DMRC. NCRTC cannot be classified under the category of 'Non-Domestic'. In the petition, NCRTC has prayed for the declaration that NCRTC is to be classified under 'Public Utilities' as in the case of DMRC. There is no prayer for modification of tariff classification sought by NCRTC. NCRTC is seeking a direction to BRPL to rectify the wrongful classification made by it under 'Non-Domestic' Category. In essence the prayer is NCRTC is rightly classifiable under Item No.6 as 'Public Utilities' as in case and under same terms and conditions as specified by this Commission vide Order dated 26.06.2003 and subsequent directions in letter dated 29.02.2012.

viii. In the facts and circumstances mentioned hereinabove, NCRTC being rightly classifiable under Item 6, i.e., 'Public Utilities' of the tariff structure since the beginning of the energization of the traction on 11.08.2025, BRPL was entitled to charge for electricity at the rate and terms and conditions as applicable to 'Public Utilities' and in particular akin to DMRC.

ix. Consequent to the above, BRPL is also required to give adjustments for the excess amount received from NCRTC for the past period in the ensuing bills.

x. In regard to traction and related purposes the revenue from NCRTC to BRPL could not have been projected by BRPL under the Annual Revenue Requirement for FY 2025-26. The revenue received is, therefore, not against any projected revenue requirements and would remain as valid amount collected which is subject to adjustment in the truing up. Accordingly, for the period from August, 2025 to 31.03.2026 the excess amount collected under 'Non-Domestic Tariff' can be adjusted to NCRTC in accordance with law and there will not be any issue of BRPL being subjected to any valid revenue gap which could not be settled in their performance review or true up proceedings.

xi. This Commission has the jurisdiction and authority to grant the reliefs sought inter alia from:

a. Section 62(3) of the of the Electricity Act, 2003 empowering determination and application of tariff categories;

b. regulation of electricity purchase and supply by distribution licensees including consumer categorization;

c. Section 86(1)(a) of the Electricity Act, 2003 empowering regulation of electricity purchase and supply by distribution licensees including consumer categorization;

d. Sections 50 and 181 Electricity Act, 2003 read with applicable Regulations passed by this Hon'ble Commission;

e. Regulations 17.5 and 17.6 of the Delhi Electricity Regulatory Commission (Supply Code and Performance Standards) Regulations, 2017 (hereinafter referred to as 'Delhi Supply Code, 2017') permitting correction/change in consumer category based on actual legal and factual character of use;

f. Regulation 84 of Delhi Supply Code, 2017 conferring inherent/residual powers to remove difficulties and secure ends of justice;

xii. In addition to the above, and more importantly the 'Interpretation/Clarification Clause' in the Tariff Order dated 30.09.2021 (Page 57 of the Petition) explicitly states: "*In case of doubt or anomaly in tariff applicability or other respects, the matter will be referred to the Commission, whose decision will be final and binding.*"

xiii. A right has been vested in the consumer concerned (in the present case NCRTC) to approach this Commission and seek necessary order in terms of the above clause contained in the Tariff Order. The very existence of such a clause clearly shows that the decision taken by the Distribution Licensee would be subject to any power to be exercised by this Commission. If the Commission decides on the classification in deviation of the decision of the Distribution Licensee, the said classification by the Commission should be considered as a valid and rightful classification from the date when the connection as given by the Distribution Licensee.

xiv. The order to be passed by this Commission would be corrective order which would relate back to the day on which the cause of action arose to NCRTC as to the action taken by BRPL, i.e., from the date of connectivity given for traction purposes under the wrong classification. The provision unequivocally grants this Commission the inherent power and jurisdiction to clarify, interpret and set the classification right.

xv. The classification of NCRTC as a 'Public Utility' ought to be effective from the date its meter (CA No. 154851265) was energized by BSES, i.e., 11.08.2025.

xvi. The Tariff Order does not contemplate classification based merely on the identity or nomenclature of a consumer. Rather, tariff categorization is determined by the nature and purpose of supply and the character of activities for which electricity is consumed. This is evident from the Tariff Order itself, wherein entities such as DMRC and Indian Railways find place in more than one category, including "Public Utility" and "Non-Domestic",

depending upon the purpose for which supply is availed. The category, therefore, is function-specific and use-based, and not entity-specific.

xvii. Regulation 17(5) of DERC (Supply Code and Performance Standards) Regulations, 2017 explicitly provides for "Change of category on the request of consumer" and stipulates that if the request is found genuine, the change shall be effective from the date of site inspection, and any arrear or excess charges shall be determined based on the actual period. Such a relief cannot be denied as being retrospective. In the present case, the "actual period" necessarily commences from the date of energization of the meter, as the nature of NCRTC's usage for public utility purposes began from that date.

xviii. It is submitted that if billing has been made under a category found inapplicable, all consequential billing revisions including adjustment/refund of excess amount and proportionate security deposit correction necessarily follow. Otherwise admitted excess recovery would amount to retention by BSES without authority of law.

xix. In this regard, the Hon'ble Appellate Tribunal in its decision dated 27.02.2020 in Appeal No. 363 of 2018 titled as 'Dhariwal Infrastructure Limited versus Maharashtra Electricity Regulatory Commission & Other' has dealt with the need to give similar effect to the classification including for the purposes of correcting the tariff charges under the wrong classification with retrospective effect.

6. It is pertinent to mention that although the matter had earlier been heard and reserved for orders vide ROP dated 23.04.2026, on account of the reconstitution of the Commission and the resultant change in the Coram, the matter was directed to be heard *de novo* on 29.09.2026. Accordingly, the Petition was reheard and the Order was reserved.

7. Further, the matter is listed for hearing on 05.11.2026 for clarification on the aspect of relief claimed. In this regard, the Commission passed the Order as follows:

> *"1. Today, the matter is listed for clarification on the aspect of relief claimed.*
>
> *2. Matter reheard. Ld. Counsel appearing on behalf of the Petitioner seeks one day's time to file a proper affidavit clarifying the relief sought. As prayed for, the time is granted.*
>
> *3. Order is reserved.*

8. In compliance of the Order dated 05.11.2026, the Petitioner has filed the Affidavit on 05.11.2026 wherein it is submitted that;

i. prayer (e) of the instant Petition was based upon the fact that at the relevant time when the letter dated 29.02.2012 was issued by the Commission to Delhi Metro Railways Corporation (DMRC), there was a category of commercial consumers falling within the meaning of Non-Domestic Low Tension (NDLT) category greater than 100kW/108kVA (415 Volts).

ii. However, in the tariff Order passed by the Commission for the FY 2021-22 there is no such category of Non Domestic Low Tension (NDLT) category greater than 100kW/108 kVA (415 Volts).

iii. In view of the above, it is stated that the Commission may kind be pleased to treat and read prayer (e) as under:

"permit the Petitioner to charge all such operators/commercial consumers who are served at LT (415 Volts), the tariff applicable to Non-Domestic Category as specified in the Tariff Schedule of FY 2021-22."

Commission's Analysis

9. The Commission has considered the Petition, the submissions advanced by the Petitioner, the affidavit filed by the Respondent, written submissions placed on record.

10. The principal issue for consideration is whether the Petitioner's electricity connection for its RRTS traction requirements merits classification under the '*Public Utility*' category and whether the arrangements applicable to DMRC for the supply of electricity to commercial establishments within its premises may be extended to the Petitioner, subject to the terms and conditions determined by the Commission.

11. The Commission notes that the Petitioner has been established for the development and operation of a regional rail-based public transport system. The electricity supply required for traction and associated transport operations serves a public transport purpose. The Respondent vide its Affidavit dated 15.04.2026 submitted that they have no objection if the same dispensation and direction as Delhi Metro Rail Corporation is made applicable to the arrangement between the Petitioner and Respondent.

12. The RRTS project undertaken by NCRTC are governed by the same central laws as the DMRC, including the Metro Railways (Construction of Works) Act, 1978, the Railway Act, 1989 and the Metro Railways (Operation and Maintenance) Act, 2002 as amended from time to time.

13. Having regard to the nature and purpose of the Petitioner's RRTS operations and the tariff treatment extended to DMRC under the Commission's Tariff Order dated 30.09.2021, the Petitioner's electricity connection, insofar as it relates to the traction requirements of the RRTS, requires for detailed examination, classification under the Public Utilities category in line with the DMRC terms and conditions.

14. The Commission observes that in the Tariff Order dated 30.09.2021 the 'Public Utilities' category is confined to specific identified entities. The relevant extract is reproduced as under:

> *"6. **PUBLIC UTILITIES***
>
> *a. **DELHI JAL BOARD**: Available to DJB for pumping load & Water Treatment Plants.*
>
> *b. **RAILWAY TRACTION**: Available for Indian Railways for Traction Load.*
>
> *c. **DELHI METRO RAIL CORPORATION**: Available to Delhi Metro Rail Corporation (DMRC) for Traction Load*
>
> *d. **PUBLIC LIGHTING**: Street Lighting, Signals & Blinkers*
>
> - *All street lighting consumers including MCD, DDA, PWD, CPWD, Slums depts., DSIIDC, MES, GHS etc.*
> - *Traffic signals and blinkers of Traffic Police*
> - *Unmetered Public Lighting shall be charged Energy Charge Rate at 1.10 times of applicable Tariff."*

The Petitioner admittedly not in operational existence on the date of Commission's tariff order dated 30.09.2021 for FY 2021-22 and came into operational existence in May-2025, thus the Petitioner could not be accommodated within this category.

15. The Commission further observes that DMRC, vide its letter dated 08.09.2011, sought clarification from the Commission regarding the tariff to be charged to commercial establishments situated within its premises and the rebate to be retained by DMRC. In this regard, the Commission vide its letter dated 29.02.2012, accepted DMRC's request.

16. The Commission vide its Tariff Order dated 30.09.2021 for FY 2021-22 in its Tariff Schedule Notes 4 stated that Rebate of 3%, 4% & 5% on the Energy Charges for supply at 11kV, 33/66 kV and 220 kV shall be applicable.

17. In view of the above, the Commission hereby disposes of the Petition in the following terms:

i. The Respondent, BSES Rajdhani Power Limited, is directed to classify the Petitioner's electricity connection bearing CA No. 154851265 at Sarai Kale Khan or any other connection taken by the petitioner, under the category of "Public Utilities" in line with the applicable tariff treatment accorded to DMRC, insofar as

the connection relates to the traction requirements of the Petitioner's RRTS operations, with effect from the date of this Order.

ii. The Petitioner is permitted to supply electricity from its electrical network to the commercial consumers within its premises via dedicated feeder panels at each station. The Commercial Consumers of NCRTC served at LT (415 Volts) shall be charged the tariff applicable to Non Domestic category as specified in the Tariff Schedule in the Tariff Order for FY 2021–22 dated 30.09.2021. Furthermore, NCRTC is allowed to retain 5% of the tariff collected from these commercial consumers.

iii. The Petitioner is also entitled to get the rebate for availing supply on 11 kV, 33 kV/66 kV and 220 kV at a rate of 3%, 4% and 5% respectively on the applicable energy charges as mentioned in the Tariff Order for FY 2021–22 dated 30.09.2021.

19. The Petition stands disposed of in the above terms.

20. Ordered accordingly.

Sd/-	**Sd/-**	**Sd/-**
(Praveen Gupta)	**(Ajay Kumar Jain)**	**(S.C.L. Das)**
Member	**Member**	**Chairperson**