



Delhi Electricity Regulatory Commission
Viniyamak Bhawan, 'C' Block, Shivalik, Malviya Nagar, New Delhi –110 017.

F.11(2019)/DERC/2022-23/7509

Petition No. 48/2022

In the matter of: **Petition seeking re-categorization of Tariff Category of the Petitioner u/S 62(3) r/w Section 86(1)(k) of Electricity Act, 2003; DERC (Terms and Conditions for Determination of Tariff) Regulations, 2017; DERC (Supply Code and Performance Standard) Regulations, 2017 and DERC (Conduct of Business) Regulations, 2001 filed by Veejay Service Station.**

Veejay Service Station

....Petitioner

Coram:

Hon'ble Shri Justice Shabihul Hasnain 'Shastri', Chairperson

Hon'ble Dr. A. K. Ambasht, Member

Appearance:

Mr. Devashish Marwah, Adv., Petitioner

ORDER

(Date of Hearing: 01.11.2022)

Date of Order: 01.11.2022)

1. Heard Mr. Devashish Marwah, Counsel for the Petitioner. The present Petition has been filed seeking re-categorization of tariff category of the Petition under Section 56 (2)(3) read with 86(1)(k) of the Electricity Act, 2003, DERC (Terms of Conditions for Determination of Tariff) Regulations, 2017, DERC (Supply Code and Performance Standards) Regulations, 2017 and DERC (Conduct of Business) Regulations, 2001. After arguing for a while, a question was put to Mr. Marwah as to what is the dispute or the *lis* to be decided by this Commission in the Petition filed by the Petitioner. Mr. Marwah as an officer of the Court and a fair Counsel submitted that there is no dispute to be decided, rather it is request on the regulatory side. We feel that the Commission has various roles to be played and one of them is the present adjudicatory/court proceedings. We are of the considered view that this matter can be taken on the regulatory side while discussions and decisions are taken by the Commission before preparation of the tariff. At this juncture, Mr. Marwah drew the attention of this Court towards Annexure P-7 on page 126 of the Petition wherein an application dated 18.08.2022 was sent to the Commission and which was received on 22nd August, 2022. The Commission feels that the application though maintainable on the regulatory side cannot be accepted and decided on the adjudicatory side i.e.

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in the present proceeding. Therefore, the petition in the present format is dismissed.

2. Mr. Marwah hastened to add that the present Petition may not be adjudicated by the Commission in the present format but it may be accepted by the Commission on the Regulatory side along with annexure P-7 and the whole Petition will be taken as representation because it contains the grounds and the legal arguments which would help the Commission to take a clear view of the picture and come to a legal logical conclusion. The prayer of the Mr. Devashish Marwah appears to be sound and legal. While dismissing the petition on the judicial side, we accept the representation on the Regulatory side. The Office will place the Petition before the Commission for consideration after consultation with the Tariff Department.

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

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