



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

No. F.11(1867)/DERC/2021-22/7088

**Petition No. 29/2021**

**In the matter of:**      **Petition under Section 86 read with Section 63 of the Electricity Act, 2003 for seeking approval of the Power Sale Agreement dated 26<sup>th</sup> March, 2015 in terms of the DERC (Renewable Purchase Obligation and Renewable Energy Certificate Framework Implementation) Regulations 2012 read with DERC Comprehensive Conduct of Business Regulations, 2001.**

**Rays Power Experts Pvt. Ltd.**

**.... Petitioner**

**Versus**

**New Delhi Municipal Council**

**.....Respondent**

**Coram:**

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

**Appearance:**

1. Mr. Randhir Kalkal, Advocate, Rays Power Experts Pvt. Ltd.
2. Mr. Tushar Sannu, Advocate, NDMC

**INTERIM ORDER**

(Date of Hearing: 03.02.2022)  
(Date of Order: 03.02.2022)

Heard Mr. Tushar Sannu, who has made it possible to be present before this Commission although a written adjournment application was also received on his behalf. He had submitted that cases are going on in the High Court before a particular Court but still he has regarded it important to be present before this Commission to explain the situation wherein the orders passed earlier on 23.11.2021 could not be complied with in letter and spirit. Mr. Randhir Kalkal, Counsel for the Petitioner, is also present. He has forcefully pointed out that on the last occasion two weeks' time was given for the subsidy to be paid by the NDMC and so far only the files have been moving and no transaction of money has taken place as yet. Mr. Tushar Sannu who

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**WEAR FACE MASK**

**WASH HANDS REGULARLY**

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was at pains to explain that some delay has been caused because of the ongoing Coronavirus and the payment will be made in accordance with law. He has also stated that the file is in motion and it may take some time before the subsidy is paid. We are of the considered opinion that the delay in the official process is not appreciated by this Commission. When there is an order of the Commission on 23.11.2021, it was incumbent upon the NDMC to make the movement of the file smooth and speedy. Delay is not an inherent right of an official institution. We understand that official institutions are an impersonal machinery and the efficiency of the Govt. Institution is normally slower than an individual's response but a license cannot to be given to the institution to make unnecessary delay on the ground that certain officers have delayed the file on their desk. We may expect that the subsidy may be granted provisionally subject to the final order of this Commission. Mr. Tushar Sannu, has also submitted that his office is in the process of preparing a draft and a final Petition for approval of the PPA before the DERC. We appreciate his effort but at the same time we observe that atleast the subsidy ought to have been handed over to the Petitioner who is suffering mostly for no fault of his. We hope and trust that the NDMC will appreciate the tenor of the order and the intention of this Commission. List this case on 22.02.2022

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

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