

Delhi Electricity Regulatory Commission

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

F.11 (1506)/DERC/2017-18/5817

Petition No. 39/2017

In the matter of: Petition seeking directions u/s 142 of the Electricity Act, 2003 and Section 42(2) of the Act, against the non compliance of the DERC Open Access Orders dated 24.12.2013 and 18.05.2015 read with DERC (Open Access) Regulations, 2005 towards the imposition of wheeling charges.

And

In the matter of:

M/s Max Super Speciality Hospital,
Through Shri Amardeep Singh Kohli,
(Vice President (Operations))
FC-50, C&D Block, Shalimar Bagh,
New Delhi – 110088

.....**Complainant**

VERSUS

1. Tata Power Delhi Distribution Ltd.
Through its: **M.D**
Grid Sub – Station Building,
Hudson Lines, Kingsway Camp
Delhi – 110009

2. State Load Despatch Centre,
33 KV, Sub Station Building,
Minto Road, New Delhi – 110002

.....**Respondents**

Coram: Sh. B.P. Singh, Member.

Appearance:

1. Ms. Priya Dwivdi, Counsel for the Petitioner;
2. Shri Vishvendra Tomar, Counsel for the Respondent;
3. Shri Raunak Jain, Counsel for the Respondent;
4. Shri O P Singh, DGM, TPDDL;
5. Shri Neeraj Singh, AM, TPDDL;
6. Shri Pratyush, Legal, TPDDL.

ORDER

(Date of Hearing: 21.12.2017)
(Date of Order: 28.12.2017)

1. The instant petition has been filed by M/s Max Super Specialty Hospital under Section 142 and 42(2) of the Electricity Act, 2003 against Tata Power Delhi Distribution Ltd. and State Load Despatch Centre for the non-compliance of

the DERC Open Access Orders dated 24.12.2013 and 18.05.2015, read with DERC (Open Access) Regulations, 2005 towards the imposition of the wheeling charges.

2. The counsel for the Petitioner submitted that the issues raised in the instant Petition are similar to the issues of other case titled Avdhut Swami Metal Works vs BYPL & Ors. (Petition No. 06/2017). It is further submitted by the Counsel that the issues raised in the instant petition have already been decided in Avdhut Swami Metal Works case and the instant petition may also be decided accordingly.
3. In Avdhut Swami Metal Works matter this Commission has held that the Orders on Open Access should be read in conjunction with the relevant Regulations and if there is some conflict between the provisions of the Regulations and the provisions of the Orders made thereunder, the law is very clear on the supremacy of the Regulations over the Orders. Therefore, the Regulations will prevail to the extent of such conflict. The Regulations 11(1) of the DERC (Open Access) Regulations, 2005 provides for wheeling charges on the original reserved capacity.
4. In view of the above, the relief as sought by the Petitioner cannot be granted. The Petition is dismissed.
5. Ordered accordingly.

Sd/-
(B. P. Singh)
Member