



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

No: F11(1619)/DERC/2018-19

In re: In pursuance of the Hon'ble Appellate Tribunal for Electricity Order dated 24.05.2022 in appeal No. 213 of 2018; appeal No. 332 of 2021, IA 1971 of 2021 in appeal No. 334 of 2021 and DFR No. 38 of 2022 with IA No. 197 of 2022 & IA No. 195 of 2022.

And In the matter of

TATA POWER DELHI DISTRIBUTION LIMITED

CORAM:

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

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

ORDER

(Date of order: 21.07.2022)

1. Whereas DERC in its Compliance Order dated 04.02.2021 in File No. F.11(1619)/DERC/2018-19 issued *inter alia* relating to compliance with two issues i.e. Aggregate Technical & Commercial losses trajectory (AT&C) & impact of increase in rate of Service Tax and the said Compliance Order dated 04.02.2021 was modified by the Commission vide order dated 29.09.2021 (Suo Motu Order) with respect to the said two issues.
2. Whereas Hon'ble Appellate Tribunal for Electricity (APTEL) vide its order dated 24.05.2022 in Appeal No. 213 of 2018; Appeal No. 332 of 2021, IA 1971 of 2021 in Appeal No. 334 of 2021 and DFR No. 38 of 2022 with IA No. 197 of 2022 & IA No. 195 of 2022 has set aside the Suo Motu Order dated 29.09.2021 passed by DERC in file NO. F.11(1619)/DERC/2018-19/914 and has held that the Compliance Order dated 04.02.2021 continues to hold, prevail and binds the parties including DERC.
3. Whereas the Hon'ble APTEL in its above said order dated 24.05.2022, has passed order on the claims of TPDDL referring to them as the two "subject issues" viz. Aggregate Technical & Commercial (AT&C) loss trajectory and impact of increase in rate of service tax, directing the Commission to pass the necessary orders giving effect to the decisions taken by the Compliance Order dated 04.02.2021 of the Commission in relation to the determination of the Tariff for the relevant control periods including the period covered by the Tariff Order dated 30.9.2021.

4. In view of the said order of the Hon'ble APTEL dated 24.05.2022, this order of the Commission pronounces that the Commission will give effect to the two issues of the Compliance Order dated 04.02.2021 viz. AT&C loss trajectory & increase in rate of Service Tax. The financial impact of the same will be given in the ensuing Tariff Order for FY 2022-23. Regarding redetermination of O&M expenses for FY 2012-13 to 2016-17 by the Commission in the Tariff Order dated 30.09.2021 for FY 2021-22, an application seeking clarification on the O&M redetermination has been sought from the Hon'ble APTEL.

5. This order is without prejudice to the Commission's right of seeking appropriate legal remedies available under law against the said Order of the Hon'ble APTEL dated 24.05.2022 and also subject to the outcome of Civil Appeal pending adjudication on these matters before the Hon'ble Supreme Court.

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

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