



Delhi Electricity Regulatory Commission
Viniyamak Bhawan, 'C' Block, Shivalik, Malviya Nagar, New Delhi – 17.

No. F.11(1408)/DERC/2016-17/5379

Petition No. 37/2016

In the matter of : **Petition for challenging the legal validity of the amendment in the Delhi Electricity Supply Code Performance Standards Regulations, 2007 (SOP Regulations) issued by the Commission vide Notification No. F.17 (85)/Engg./DERC/2013-14/4074 on 30.05.2016.**

Tata Power Delhi Distribution Ltd.
Through its: **Sr. General Manager**
33Kv Sub Station Building,
Hudson Lane,
Delhi 110 009

....**Petitioner**

**Coram: Sh. Krishna Saini, Chairperson &
Sh. B.P. Singh, Member**

Appearance:

1. Mr. Sanjay Sen, Sr. Advocate, TPDDL
2. Ms. Ranjana Roy Gawai. Advocate, TPDDL
3. Ms. Niklita Aggarwal , Advocate, TPDDL
4. Mr. Abhay Pratap Singh, Advocate, TPDDL
5. Mr. Ajay Kapoor, TPDDL
6. Mr. Anurag Bansal, TPDDL
7. Mr. Divyanshu Bhatt, TPDDL
8. Mr. Varun Sharma, TPDDL
9. Mr. Kunal Parekh, TPDDL
10. Mr. J K Sinha, TPDDL

INTERIM ORDER

(Date of Hearing: 02.08.2016)

(Date of Order: 05.08.2016)

1. The Counsel for the Petitioner submitted that M/s Tata Power Delhi Distribution Limited (TPDDL) has filed the petition for challenging the legal validity of the amendment in the Delhi Electricity Supply Code Performance Standards Regulations, 2007 (SOP Regulations) issued by the Commission vide Notification No. F.17 (85)/Engg./DERC/2013-14/4074 on 30.05.2016. The petitioner has made the following prayers in its petition:

- (a) Pass suitable directions till the time the Petition is adjudicated to exempt the Petitioner from complying with the Delhi Electricity Supply Code and Performance Standards (Fourth Amendment) Regulations, 2016 i.e the impugned notification;/suspend the operation of the said Notification as deemed fit; and/or
- (b) Relax the provisions of the Fourth Amendment Regulations, 2016 in a manner as it may deem suitable bearing in mind the objections of the Petitioner herein; and/or

- (c) Grant the Petitioner an opportunity of personal hearing to explain in detail its comments, suggestions and demonstrate the difficulties encountering the successful implementation of the Fourth Amendment Regulations; and/or
- (d) Keep the implementation of the Fourth Amendment Regulations in abeyance until disposal of the present petition; and
- (e) Approve the capital investment made in this project.

2. The Counsel for the petitioner submitted that the Amendments made to Regulations 63, 69, Schedule-I, Schedule-II of the SOP Regulations include drastic reduction to the existing timelines for attending, rectification of power outages, other faults and provide for grant of automatic compensation to the aggrieved consumers by the licensees for not rectifying the unscheduled power outages even if the Petitioner is not at fault. Further, the Power of the Ombudsman has been expanded beyond the scope of the legislation and there is also violation of Section 57 of the Electricity Act, 2003. The Counsel also submitted that the State Government has no power to interfere in the internal functioning of the Commission and directions of the State Government are not binding on the Commission.

3. Further, the Counsel for the Petitioner submitted that there are practical and technical difficulties faced by it for implementing the said notification like no action taken on statutory advice of DERC for formulation of policies for unauthorized colonies and JJ clusters by Government of National Capital of Delhi (GONCTD); non-completion of planned Delhi Transco Limited (DTL) projects and lack of any power back-up arrangements etc.

4. The Counsel for the Petitioner sought permission of the Commission to file a detail note on the legal grounds along with the relevant judgments.

5. The Commission allowed the Petitioner to file the detail note on legal grounds within Four weeks.

6. The matter is adjourned and the next date of hearing will be informed in due course.

7. Ordered accordingly.

Sd/-
(B.P. Singh)
Member

Sd/-
(Krishna Saini)
Chairperson