

# **Delhi Electricity Regulatory Commission**

## **Viniyamak Bhawan, 'C' Block, Shivalik, Malviya Nagar, New Delhi – 17.**

No. F.11(848)DERC/2012-13/

### **Petition No. 43/2012**

**In the matter of :**      **Review Petition for clarification/reconsideration/modification/review/ withdrawal of directions under MYT Order dt. 13.07.2012 passed by Delhi Electricity Regulatory Commission on the MYT Petitions filed by DTL, IPGCL, TPDDL, BSES-RPL & BSES-YPL (successor entities of DVB) for determination of their Annual Revenue Requirement for the FY 2012-13 and MYT Order for FY 2013-15.**

DVB Engineers Association (Recognised)  
D-3, Vikaspuri,  
New Delhi 110 018

....Petitioner

### **Petition No. 44/2012**

**In the matter of :**      **Review Petition for clarification/reconsideration/modification/review/ withdrawal of directions under MYT Order dt. 13.07.2012 passed by Delhi Electricity Regulatory Commission on the MYT Petitions filed by DTL, IPGCL, TPDDL, BSES-RPL & BSES-YPL (successor entities of DVB) for determination of their Annual Revenue Requirement for the FY 2012-13 and MYT Order for FY 2013-15.**

Delhi State Electricity Workders Union,  
Through its : General Secretary,  
H-287, DESU Colony, Tripolia,  
Gud Mandi, Delhi 110 006

....Petitioner

### **Coram:**

**Sh. P.D. Sudhakar, Chairman, Sh. Shyam Wadhera, Member &  
Sh. J.P. Singh, Member.**

### **Appearance:**

1. Mr. V.K. Malhotra

### **ORDER**

(Date of Hearing: 20.11.2012)  
(Date of Order: 27.11.2012)

1. The issues raised in Petition No. 43/2012 & 44/2012 are common, therefore, the Commission heard both the Petitions together. The Commission is making a common order in both these petitions.
2. Mr. V.K. Malhotra, Gen. Secretary, DVB Engineers Association advanced arguments at some length. Mr. Malhotra submitted that in accordance with directions/orders dated 28.10.2010 of the Hon'ble High Court of Delhi in W.P.(C) 13300 of 2009 the Govt. of NCT of Delhi reconstituted Board of Trustees of DVB Employees Terminal Benefit Fund 2002 for a period of three years vide Government Notification No. F.11(45)2002/Power/20 dated 05.01.2011. As per this notification there are six Government nominees of the level of Special Secretary, Govt. of NCT of Delhi and Principal Secretary (Power), GoNCTD, Chairperson, five representatives of employees including one member from pensioners and family pensioners on the Board of Trustees.

3. The Petitioner further submitted that the observations of the Hon'ble Commission in the tariff order dated 13.07.2012 in DTL have already been implemented by the Govt. of NCT of Delhi therefore, the same needs to be withdrawn from the said MYT Order.
4. The Commission has considered the above submissions of the Petitioner and is of the view that there is no need to withdraw/delete the said observations of the Commission from the impugned tariff order because these observations are not mandatory in nature. The Govt. of NCT of Delhi may consider the observations of the Commission and take their own decision in this matter. This issue is therefore, devoid of any merit and therefore needs to be dismissed at the stage of admission itself.
5. The Petitioner submitted that the Commission in the impugned MYT tariff order allowed Rs. 160 crores for the period FY 2012-13 on ad-hoc basis for all entities in the ARR of DTL towards pension trust as lumpsum amount thus leaving a gap of two years for FY 2013-14 & 2014-15. The Petitioner further submitted that the Hon'ble Commission has directed that the "Petitioner may raise the bills for Annual Transmission Charges for each year of the Control Period on the basis of the ARR approved by the Commission for the respective years, as provided in the table below :

Approved ARR for Control Period (Rs. Cr.)

PARTICULARS	FY 2012-13	FY 2013-14	FY 2014-15
Net ARR for Transmission Business*	585.68	639.40	734.75
Payment to Pension Trust	160.00		
Past Arrears	9.72		
Total Expenses allowed	755.40	639.40	734.75

\* Excluding payment to pension trust and past arrears.

All of the above charges shall be recovered every month on pro-rata basis as specified in Regulation 6.7 of the MYT Regulations 2011 and shall be shared by all the Distribution Licensees (long term transmission users) including deemed licensees in proportion to the generating capacity allocated from the various Central Sector Generating Stations, Generating Stations within Delhi and Contracted power on bilateral basis. "

6. Commission has considered the above submissions of the Petitioner and is of the view that this issue may be raised at the time of determination of the ARR of DTL for FY 2013-14. Thus there is no need to admit this issue for further hearing.
7. The Petitioner has submitted that the Commission may allow carrying cost @ 12% of the amount payable by the Petitioner to the Pension Trust from the date it had become due till its liquidation. The Petitioner further submitted that non-payment of the funds by the successor entities allowed by Hon'ble Commission in tariff order, amounts to violation of the directions and attracts appropriate action under the Electricity Act, 2003. The successor entities have neither given any undertaking to the Hon'ble Commission for payment nor have released the same. Further it is submitted that deficit in the funds of the pension trust is primarily due to the reason of non-payment of actual funds released by the pension trust to the beneficiaries on behalf of the successor entities.

8. The Petitioner further submitted that Commission may kindly approve levy of carrying cost for non-payment of Rs. 31.19 crore from 01.04.2012 till the date of payment by the successor entities.
9. The Commission has considered the above submissions of the Petitioner and feels that to raise this issue through a review petition is not correct as it is not an appropriate ground to seek review of the impugned tariff order. This issue lacks merit for admission and is dismissed at the stage of admission itself. This issue may be raised by the Petitioner at the time of determination of AR for FY 2013-14 of the DTL.
10. The Petitioner has made a request to the Commission to issue appropriate clarification/directions to the successor entities of DVB not to carry out any deduction in respect of TDS and Rebate on the payment of monthly bills being issued by DTL on the amount provided by Hon'ble Commission in the tariff orders for payment to the Pension Trust.
11. The Commission has already considered this issue and issued necessary directions vide their letter no. F17(44)/Engg./DERC/2012-13/3512/2331 dt 13.08.2012 to all the Discoms DTL, SLDC and IPGCL wherein it is mentioned that an interim arrangement has been made for apportionment of fund, collection and transfer to Pension Trust by DTL on behalf of all the power utilities. Since Pension trust is finally responsible for disbursement of the fund, therefore, no rebate/TDS should be deducted on the apportioned amount by respective power utilities.
12. In view of the above, all the power utilities have already been directed to transfer apportioned amount without any deduction to DTL for further transfer to Pension Trust.
13. In view of the above these review Petitions are not admitted on any of the four issues mentioned above. These Petitions are dismissed at the admission stage itself.
14. Ordered accordingly.

Sd/-  
(J.P. Singh)  
Member

Sd/-  
(Shyam Wadhera)  
Member

Sd/-  
(P.D. Sudhakar)  
Chairman