



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

No. F. 11(1217)/DERC/2015-16/

**Petition No. 43/2015**

**In the matter of:**      **Miscellaneous Petition for refund of excess amount charged through Cross subsidy Surcharge, read with DERC (Terms and Conditions for Open Access) Regulations, 2005 and DERC (Renewable Purchase Obligation and Renewable Energy Certificate framework implementation) Regulations, 2012, u/s 62 (6) and Section 142 of the Electricity Act, 2003.**

M/s Duggar Fiber Pvt. Ltd.,  
C-10, S.M.A., Co-op. Indl. Estate Ltd.,  
G.T Karnal Road,  
New Delhi 110 033

**Petitioner**

Vs.

Tata Power Delhi Distribution Ltd.  
Through its Managing Director  
Grid Sub Station Building  
Hudson Lines, Kingsway Camp,  
Delhi 110 009

**Respondent...1**

State Load Dispatch Center  
Through its General Manager  
33kV Grid S/Stn. SLDC Building,  
DTL, Minto Road,  
New Delhi-110 002

**Respondent....2**

**Coram:**      **Sh. P. D. Sudhakar, Chairperson**  
                 **Sh. J. P. Singh, Member**  
                 **Sh. B.P. Singh, Member**

**Appearance:**

1. Mr. Krishna Keshav, Adv. TPDDL
2. Mr. Surya Kapoor, Adv. TPDDL
3. Mr. Gaurav Nand, Duggar Fiber Pvt. Ltd
4. Mr. Sumit Sahdev, TPDDL
5. Mr. Susheel Gupta
6. Ms. Meghna, TPDDL
7. Ms. Nayantara, TPDDL
8. Mr. Mithun Chakraborty, TPDDL
9. Mr J.K. Sinha, TPDDL

**ORDER**

(Date of Hearing: 09.12.2015)

(Date of Order: 23.12.2015)

1. The Representative for the Petitioner submitted that the respondent has charged extra Cross Subsidy Surcharge by revising the rates on its own without any authority and at the same time the Respondent has withheld the amount towards the exempted Cross Subsidy Surcharge of 6.2% of open access volume consumed by the consumer as per the DERC (Renewable Purchase Obligation

and Renewable Energy Certificate framework implementation) Regulations, 2012.

2. The Counsel for the respondent submitted that they have revised the rate of Cross Subsidy Surcharge as per the formula provided for it in the tariff order, which says that the rate of Cross Subsidy Surcharge should be revised on annual basis.
3. On the issue of 6.2% volume of open excess exempted from Cross Subsidy Surcharge, the Counsel for the Respondent admitted that the Petitioner may be exempted from Cross subsidy surcharge 6.2%, provided it also fulfills the obligations to procure 0.25% of Solar Energy.
4. It was controverted by the Representative of the Petitioner that for an open excess consumer, receiving energy from renewable sources only, this obligation of procurement of 0.25% solar energy is not applicable.
5. It is observed that the charges decided by the Commission are applicable from the date of issue i.e. 24/12/2013) and shall remain in force till date and the authority to revise the surcharge is either with the Commission or with SLDC. The Respondent No. 1 admitted the fact and agreed that it has not been authorised to revise Cross Subsidy Surcharge on its own and the authority is vested with either Commission or Respondent No. 2. The Respondent No. 2 clarified that it has revised the rate of Cross Subsidy Surcharge w.e.f. 18.05.2015 only and not before.
6. On the issue of exemption of 6.2% of open access volume, it is clear from the Regulation 9(4) of the DERC (Renewable Purchase Obligation and Renewable Energy Certificate framework implementation) Regulations, 2012 that *Open access consumer receiving electricity from renewable energy sources shall be exempted from the cross-subsidy surcharge determined by the Commission from time to time to the extent of RPO.*
7. Considering the submissions made by the parties, the Commission observes that the Respondent No. 1 has violated the provisions of DERC (Terms and Conditions for Open Access) Regulations, 2005, and the DERC (Renewable Purchase Obligation and Renewable Energy Certificate framework implementation) Regulations, 2012; and directed the Respondent no. 1 to refund the excess amount charged towards Cross Subsidy Surcharge from the Petitioner within one month.
8. Accordingly, the matter is disposed off with the above order.

Sd/-  
(B.P. Singh)  
Member

Sd/-  
(J. P. Singh)  
Member

Sd/-  
(P. D. Sudhakar)  
Chairperson