



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

No. F.11(1267)/DERC/2015-16/

Petition No. 65/2015

In the matter of : Petition for seeking withdrawal/suspension/modification to the Commission's directives in relation to Consumer Rebate vide Commission's letter dated 04.02.2014 and 19.12.2014.

Tata Power Delhi Distribution Ltd.
Through its Managing Director
NDPL House,
Hudson Lines, Kingsway Camp
Delhi 110 009

.....**Petitioner**

Coram: Sh. B.P. Singh, Member

Appearance:

1. Mr. Aniket Prasoon, Adv., TPDDL
2. Mr. Abhishek Kumar, Adv., TPDDL
3. Ms. Srishti Rai , Adv., TPDDL
4. Ms. Ritu Gupta , TPDDL
5. Ms. Aditi Sanghi, TPDDL
6. Ms. Anukriti Jain, TPDDL
7. Mr. Anurag Bansal, TPDDL

INTERIM ORDER

(Date of Hearing: 15.11.2017)

(Date of Order: 27.11.2017)

1. M/s TPDDL has filed the instant Petition for seeking withdrawal/suspension/modification to the Commission's directives in relation to Consumer Rebate issued vide Commission's letter dated 04.02.2014. The basic issue raised by TPDDL is that the rebate on subsidy should not be passed on/adjusted against the future release of subsidy by GoNCTD. The same has not additionally impacted the cash flow in any manner.
2. The Counsel for the petitioner submitted that as per Section 65 of the Electricity Act, 2003, the subsidy amount has to be paid to the Distribution Companies (Discoms) in advance. However, the subsidy is paid either in 3 months or 6 months; even sometimes it is not paid to the Discom rather adjusted against pending dues of Gencos and Transco. However, when subsidy is not received no late payment surcharge is paid to the Discom for delayed payment by the Government; therefore, the rebate to a

consumer cannot be related to the subsidy received from the Government.

3. The Counsel for the petitioner also submitted that the impugned letter dated 04.02.2014 has been issued without the authority of law and is contrary to the express provision of the Electricity Act, 2003 with regard to framing of Regulations by the Commission and the directives may only be issued after amending the Tariff Regulations to incorporate the provisions regarding treatment of rebate on subsidy provided by Government to consumers and after carrying out proper public consultation and public hearing.
4. The petitioner is directed to submit statement indicating receipt of subsidy, rebate paid to the consumers and impact on the cash flow, within four months.
5. The matter was adjourned. The next date of hearing will be informed in due course.
6. Ordered accordingly.

Sd/-
(B.P. Singh)
MEMBER