



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

No. F.11(1317)/DERC/2015-16/C.F.5076

Petition No. 87/2015

In the matter of : Petition seeking adjudication of dispute between the petitioner (TPDDL) and the Respondent (DTL) as regards the applicability of the Tariff Order dated 29.09.2015 passed for DTL w.e.f 01.10.2015 for computation of the wheeling charges for FY 2015-16.

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

.....Petitioner

VERSUS

Delhi Transco Limited.
Shakti Sadan, Kotla Marg,
New Delhi 110 002

....Respondent

**Coram: Sh. J.P. Singh, Member &
Sh. B.P. Singh, Member**

Appearance:

1. Mr. Vishal Anand, Adv. TPDDL
2. Mr. Rahul Kinra, Adv. , TPDDL
3. Mr. Sanjay Sharma, TPDDL
4. Mr. Rakesh Kumar, TPDDL
5. Mr. Yogesh Prakash, TPDDL
6. Mr. Yuganshu Pathak, TPDDL
7. Mr. Varun Sharma, TPDDL
8. Ms. Nayantara, Legal, TPDDL
9. Mr. S.P. Singh, DTL

INTERIM ORDER

(Date of Hearing: 15.12.2015)

(Date of Order: 28.12.2015)

1. Mr. Vishal Anand, Ld. Counsel for the Petitioner submitted that the instant Petition has been filed seeking adjudication of dispute in respect of the recent invoice No. DTL/TPDDL/WC/15-16/28 dated 09.10.2015 raised by DTL claiming a differential amount of aprox. Rs. 36.37 Crores retrospectively to be paid by the petitioner by 08.11.2015, for the period April, 2015 to August 2015 on the basis of the latest Tariff Order for the Respondent dtd. 29.09.2015 passed by the Commission for FY 2015-16.

2. The Counsel for the petitioner further contended that the said invoice has been raised despite the fact that this Hon'ble Commission has categorically passed the Tariff Order of the Respondent effective from 01.10.2015 and it is well settled law that tariff cannot be made applicable retrospectively, when admittedly the Hon'ble Commission has determined the tariff prospectively. The same has been upheld vide various judgments of Supreme Court of India and Appellate Tribunal for Electricity. The counsel for the petitioner also requested the Commission to stay the invoice raised by DTL.
3. The Commission admitted the Petition and directed that Notices may be issued. The petitioner shall serve a copy of the petition to the respondent within a week thereafter the reply is to be filed by the Respondent within two weeks with an advance copy to the petitioner. The Commission also ordered a stay on the Invoice No. DTL/TPDDL/WC/15-16/28 dated 09.10.2015 to the extent that it is related to the payment of arrears of Rs. 36.37 Cr. til further orders of the Commission.
4. The matter was adjourned. The next date of hearing will be informed in due course.
5. Ordered accordingly.

Sd/-
(B.P. Singh)
MEMBER

Sd/-
(J.P. Singh)
MEMBER