



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

No. F. 11(1302)/DERC/2015-16/5035

I.A. No. 03/2019
In
Petition No. 77/2015

In the matter of: **Petition for seeking adjudication of dispute between the Distribution and Transmission Licensee along with (i) Complaint u/S 142 & 146 of the E.A 2003 seeking appropriate directives from the Commission in relation to disbursement of Short Term Open Access Charges by DTL and (ii) Petition u/s 62(6) of the E.A. 2003 seeking refund of excess tariff paid to DTL filed by TPDDL**

Tata Power Delhi Distribution Ltd.

....Petitioner

Versus

Delhi Transco Limited

....Respondent

Coram: Hon'ble Mr. Justice S S Chauhan, Chairperson

Appearance:

1. Mr. Alok Shankar, Adv. TPDDL
2. Ms. Neha Garg, DTL

INTERIM ORDER

(Date of Hearing: 13.03.2019)

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1. The counsel for the Respondent submitted that their amendment to application is not maintainable as it has been held by the Hon'ble Supreme Court of India in the matter NTPC vs MP State Electricity Board & Others (2011) 15 SCC580 that unless there is explicit provisions either in the contract or regulations no interest can be claimed on the basis of equity and restitution. The counsel for the Petitioner sought time to respond on this issue.
2. List the matter on 28.03.2019.

Sd/-
(Justice S S Chauhan)
Chairperson