



TATA POWER DDL

with you *Non-Stop*

TRUE UP OF FY 2016-17 & ARR for FY 2018-19

VOLUME- I

TATA POWER DELHI DISTRIBUTION LIMITED


A Tata Power and Delhi Government Joint Venture

Regd. Office: NDPL House, Hudson Line, Kingsway Camp, Delhi - 110009, India

TATA POWER-DDL *with you Non-Stop*

VISION

To be the most trusted and admired provider of reliable, competitive and sustainable power and services using technology and innovative solutions and be the utility of choice for all stakeholders.



TATA POWER DELHI DISTRIBUTION LIMITED
A Tata Power and Delhi Government Joint Venture

TATA POWER-DDL *with you Non-Stop*

MISSION


Innovate to deliver world class services to the consumers

Create benchmarks to become a global utility leader with energy efficient services and clean energy solutions

Achieve excellence through safety, technology adoption, collaborations and teamwork

Reach out and engage in community development programs and initiatives

Empower employees, enrich creativity and enhance learning



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CORE VALUES

TATA Power-DDL is a value driven organisation and these values continue to direct the company's growth and business. The six core values underpinning the way we do business are:

<p>INTEGRITY</p> <p>We must conduct our business fairly, with honesty and transparency. Everything we do must stand the test of public scrutiny.</p>	<p>UNDERSTANDING</p> <p>We must be caring, show respect, compassion and empathy for our colleagues and customers and share best for the benefit of the communities we serve.</p>
<p>EXCELLENCE</p> <p>We must constantly strive to achieve the highest possible standards in our day-to-day work and in the quality of goods and services we provide.</p>	<p>RESPONSIBILITY</p> <p>We must continue to be responsible and sensitive to the communities and environments in which we work, always ensuring that what comes from the people goes back to the people in many meaningful ways.</p>
<p>UNITY</p> <p>We must work cohesively with our colleagues across the group and with our customers and partners to build strong relationships, based on tolerance, understanding and mutual co-operation.</p>	<p>AGILITY</p> <p>We must work in a timely and responsive manner and be flexible and adaptable in our approach.</p>

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Affirmative Action Policy

Social equality and justice are the basis of the Indian constitution and providing equal opportunity to all sections of the society through creation of suitable employment opportunities, is one of the clear ways of bringing about an overall economic development of the society.

TATA Power-DDL's Affirmative Action

- TATA Power-DDL believes that equal opportunity in employment for all sections of the society is a component of its growth and competitiveness. It further believes that inclusive growth is a function of growth and development of the society.
- TATA Power-DDL affirms its responsibility to ensure that diversity benefits socially disadvantaged sections of the society including Scheduled Caste & Scheduled Tribes communities in the employment of its employees.
- TATA Power-DDL will further practice and support affirmative action in its business.
- TATA Power-DDL will promote positive discrimination in the employment of applicants belonging to the socially disadvantaged sections of the society including Scheduled Caste & Scheduled Tribes communities, if such applicants possess comparable skills and job related academic qualifications.
- TATA Power-DDL is a section of the business partners is not based on any consideration other than merit, business parameters, in case of recruitment process. TATA Power-DDL will ensure positive action for belonging to a socially disadvantaged section of the society including Scheduled Caste & Scheduled Tribes community.
- TATA Power-DDL will have an employment policy that is in the public domain. It will give such policies and employment opportunities an due website encourage application from disadvantaged sections of the society including Scheduled Caste & Scheduled Tribes community.
- TATA Power-DDL will make efforts for building and continuous growth of the business from socially disadvantaged sections of the society including Scheduled Caste & Scheduled Tribes community.
- TATA Power-DDL will have a partnership program with educational institutions to support and and students from disadvantaged sections of the society including Scheduled Caste & Scheduled Tribes community.
- TATA Power-DDL will have a Career Functional Affirmative Action with CEO & MD as the Champion, the Corporation's equity and social welfare initiatives, corporate and Financial and provide strategic direction.

TATA POWER DELHI DISTRIBUTION LIMITED
A Tata Power and Delhi Government Joint Venture



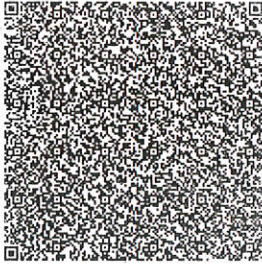
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INDIA NON JUDICIAL

Government of National Capital Territory of Delhi

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Purchased by	: TATA POWER DELHI DISTRIBUTION LIMITED
Description of Document	: Article 4 Affidavit
Property Description	: Not Applicable
Consideration Price (Rs.)	: 0 (Zero)
First Party	: TATA POWER DELHI DISTRIBUTION LIMITED
Second Party	: Not Applicable
Stamp Duty Paid By	: TATA POWER DELHI DISTRIBUTION LIMITED
Stamp Duty Amount(Rs.)	: 10 (Ten only)



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BEFORE THE HON'BLE DELHI ELECTRICITY REGULATORY COMMISSION

AT

VINIYAMAK BHAWAN, C-BLOCK, SHIVALIK, MALVIYA NAGAR,

NEW DELHI- 110017

PETITION NO. _____ OF 2017



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 2. The onus of checking the legitimacy is on the users of the certificate.
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IN THE MATTER OF:

Petition for Approval of Annual Revenue Requirement (ARR) for the FY 2018-19, Revised ARR for FY 2017-18, True up for FY 2016-17.

AND

IN THE MATTER OF:

Relevant Provisions of the Electricity Act, 2003 read with Delhi Electricity Reforms Act, 2000 and DERC (Terms and Conditions for Determination of Tariff) Regulations, 2017 and DERC (Terms and conditions for determination of Tariff) Regulations, 2017, DERC Business Plan Regulations, 2017, read with DERC Comprehensive Conduct of Business Regulations, 2001

AND

IN THE MATTER OF:

Tata Power Delhi Distribution Limited (Formerly known as North Delhi Power Limited) having its registered office at NDPL House, Hudson Lines, Kingsway Camp, Delhi- 110 009

...Petitioner

**AFFIDAVIT ON BEHALF OF PETITIONER/ TATA POWER DELHI
DISTRIBUTION LIMITED (TPDDL)**

I, **Anurag Bansal**, son of Sh. P.C. Bansal, aged about 41 years, residing at C-160, Ashok Vihar, Phase-1, Delhi- 110052, do hereby solemnly affirm as stated hereunder:

1. I say that I am working as DGM, Corporate Legal with Tata Power Delhi Distribution Limited, the Petitioner in the above matter, having its registered office at NDPL House, Hudson Lines, Kingsway Camp, Delhi-110009, and am duly authorised by the said Petitioner to execute this affidavit on its behalf.
2. I say that the present Petition is being filed by the Petitioner in terms of the Electricity Act, 2003, Delhi Electricity Reforms Act, 2000 read with the Hon'ble Commission's (Terms and Conditions for Determination of Tariff) Regulations, 2017, DERC (Terms and Conditions for Determination of Wheeling Tariff and Retail Supply Tariff) Regulations, 2011, MYT Regulations, 2007, MYT Regulations, 2011 (as extended), and DERC Business Plan Regulations, 2017, DERC Comprehensive Conduct of



Business Regulations, 2001 to seek approval of the Hon'ble Commission for undertaking determination of:

- (i) ARR for the FY 2018-19,
- (ii) Revised ARR for FY 2017-18,
- (iii) True up for FY 2016-17.

3. I say that the statements made and data presented in enclosed petition are true to the best of my knowledge and as per the records of the Petitioner Company and information, estimations received and believed to be true. Further, no material information has been concealed in this aforesaid Petition.

VERIFICATION:

I, the Deponent above named, do hereby verify that the contents of my above affidavit are true to my knowledge and belief, as derived from the records maintained by the Petitioner. I verify that no part of it is false and nothing material has been concealed therefrom.

Verified at New Delhi on this 29 NOV 2017 day of 2017, 2017

Delhi

Date:



ATTESTED

**NOTARY PUBLIC
DELHI (INDIA)**

29 NOV 2017



DEPONENT
ANURAG BANSAL
D.G.M. - Corporate Legal
Tata Power Delhi Distribution Limited
NDPL House, Hudson Lines
Kingsway Camp, Delhi-110009

DEPONENT
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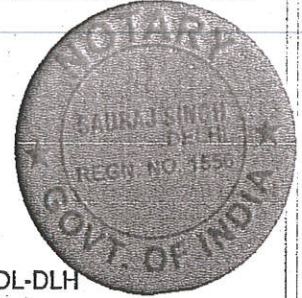


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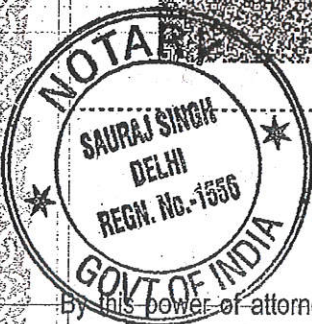
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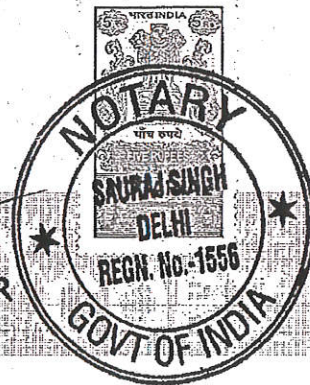
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Certificate No. : IN-DL10867682655265N
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 Purchased by : TATA POWER DELHI DISTRIBUTION LIMITED
 Description of Document : Article 48(c) Power of attorney - GPA
 Property Description : NA
 Consideration Price (Rs.) : 0
 (Zero)
 First Party : TATA POWER DELHI DISTRIBUTION LIMITED
 Second Party : NA
 Stamp Duty Paid By : TATA POWER DELHI DISTRIBUTION LIMITED
 Stamp Duty Amount(Rs.) : 100
 (One Hundred only)



St. No. 619/015
 IN NOTARY REGISTER



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POWER OF ATTORNEY

By this power of attorney Tata Power Delhi Distribution Limited a body corporate incorporated under the Companies Act, 1956 and having its registered Office at NDPL House , Hudson Lines, Kingsway Camp, Delhi-110009 (hereinafter referred to as the 'Company') acting through Shri Praveer Sinha S/o Late Sh. A K P Sinha Resident of N - 66 , First Floor , Panchsheel Park , New Delhi 110 017 (hereinafter referred as the 'Executant'), being the Chief Executive Officer & Executive Director [CEO & ED] of the company and holder of-

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Power of Attorney given by the Company and adopted by its Board of Directors on 04.05.2012 hereby appoints Sh. Anurag Bansal son of Sh. P C Bansal , aged about 38 years, resident of C- 160 Ashok Vihar Phase-1 Delhi -110052 and working with the Company as the AGM – Corporate Legal vide Employee No. 91079 as the company's Attorney (hereinafter referred to as the 'Attorney' and to exercise following powers and authorities and to do and perform all or any of the acts , deeds , matters and things herein under specified on behalf of company that is to say :

1. To institute, verify and submit before any court of law or judicial / Quasi judicial forum; any pleadings, documents or information including but not limited to petitions, complaints, criminal complaints, plaints, applications, eviction proceedings, representations, memoranda, appeals, statements of claim, counter claims, set off, execution petitions, replies, written statements, rejoinders, replications, evidence, affidavits, cross objections, counters, review, revision, application for withdrawal of cases, statements of defence, notices, references for arbitration, petitions for setting aside arbitral award and/or to commence, defend and prosecute any legal proceedings or use any other lawful means in order to safeguard the interest or enforce the rights of the Company;
2. To act, appear, plead, argue, file cases, before any Courts, State Electricity Regulatory Commission , Appellate Tribunal for Electricity , Central Electricity Regulatory Commission , Metropolitan Magistrates, Appellate Authority(ies), Forums, Tribunals, Commissions, Quasi-judicial bodies, authorities, boards, bureaus and/or any conciliatory, pre-litigative dispute resolution bodies, mediation cells, Lok Adalats, public hearing forums or other alternate dispute resolution channels dealing with

St. No. 619/1556
IN NOTARY REGISTER

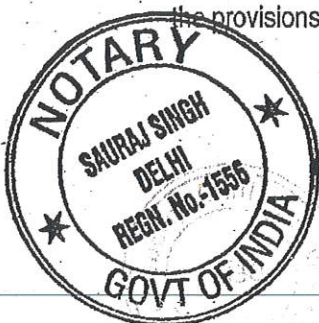
matters pertaining to the Company :

3. To compromise, settle, withdraw, make plea-bargaining applications or compound any cases on behalf of and in the interest of the Company;
4. To file and receive documents; to obtain copies of the documents and court orders, awards or the like;
5. To act, appear, plead , argue and lead evidence, settlements or seek enforcement thereof on behalf of the Company before any Arbitral Tribunal, mediator, settlement body or conciliator dealing with cases under Arbitration and Conciliation Act, 1996 and to examine and cross-examine witnesses therein and challenge awards;
6. To act, appear, plead and argue on behalf of the Company or its officers and employees before all Civil

Courts dealing with matters pertaining to the Company or its officers or employee and to examine and cross-examine witnesses therein;


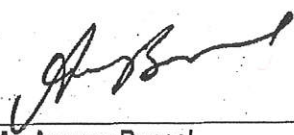


7. To do all other lawful acts and deeds which may be necessary to be done in relation to the above and the Company doth undertake to ratify all such acts, deeds and things as may be lawfully and reasonably performed by the said Attorney in terms of the authorization herein contained;
8. To sign 'Vakalatnama' and appoint advocates or to represent the Company before the Courts as mentioned above;
9. To sign the appeal written statement or replies to the petitions / applications / complaints cross examine witnesses etc.
10. To do all other lawful acts and deeds which may be necessary to be done in the course of the proceedings before the Courts, and other authorities & Forums, tribunals as aforesaid and Company do hereby agree that all the acts and deeds lawfully done and performed by the above said Attorney in that regard shall be constituted as the acts and deeds done by the Company itself. The Company again doth undertake to ratify and confirm whatsoever that the said Attorney shall lawfully do or cause to be done for the Company solely by virtue of the powers hereby vested.
11. This Power of Attorney shall be effective from 01.06.2015 and all acts, deeds and things lawfully executed or done by the Attorney since 01.06.2015 till execution of this deed of Power of Attorney, are hereby saved and ratified by the Company.
12. This Power of Attorney shall supersede any previous attorney and/or authorization executed by the Company [Formerly, North Delhi Power Limited] in favour of the Attorney to do and perform any of the acts which are authorized under this Attorney. Anything done or any action taken or purported to have been done or taken under any such previous power of attorney and/or authorization, shall, in so far as it is not inconsistent with this Power of Attorney, be deemed to have been done under the provisions of this Power of Attorney.
13. The Company ratifies any past lawful act of the Attorney in his lawful capacity as the Employee of the Company and anything done or any such action taken or purported to have been done or taken, shall, in so far as it is not inconsistent with this Power of Attorney, shall be deemed to have been done under the provisions of this Power of Attorney.




14. This Power of Attorney shall remain in force until revoked or till the time said Attorney is in employment of the Company, however, any such revocation shall not affect, any act, thing or deed lawfully done by said Attorney till then in *bonafide* exercise of authority conferred herein.

IN WITNESS WHEREOF THE EXECUTANT HEREBY SCRIBES HIS HAND TO THE ABOVE PRESENTS AT
DELHI ON THIS 2nd DAY OF June 2015

Executed by	Accepted by	Signatures of the Attorney are identified and attested by the Executant
		
Mr. Praveer Sinha	Mr. Anurag Bansal	
Chief Executive Officer and Executive Director	AGM – Corporate Legal	
Executant	Attorney	

In presence of :

Witness : NAGANTARA A. PANDE

Signatures 

Name

Address NDPL HOUSE, HUDSON LINES, K'WAY CAMP.

Witness :

Signatures

Name

Address

St. No. 19115
IN NOTARY REGISTER



NOTARIAL AUTHENTICATION UNDER SECTION 85 OF INDIAN EVIDENCE ACT 1872

I Sauraj Singh s/o Sh. Hardeep Singh R/o. Ch. 22 Wazirpur aged 35 years am a licensed Notary Public of the Government of India under the Notaries Act, 1952, and at present operating in Delhi.

I was this 2nd day of June 2015 present at the Registered Office of the Company at NDPL House, Hudson Lines, Kingsway Camp, Delhi 110009 along with the Executant namely Sh. Praveer Sinha who is working there as Chief Executive Officer & Executive Officer, the Attorney namely Sh. Anurag Bansal and Sh. Ajay Kalsie, the Company Secretary of the Company.

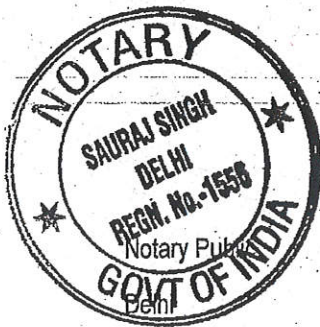
The Executant has produced before me his original Voter's Identity Card/Passport/Driving License, which bears his photograph, name, father's name, date of birth and present residential address.

The Executant has also produced before me the certified copy of Power of Attorney dated 04.05.2012 issued by Board of Directors of the Company affirming that the Executant is at the time of execution of this Power of Attorney, duly authorized by the Board of Directors of the company to execute the same being its constituted attorney and CEO & ED.

St. No. 619/15
IN NOTARY REGISTER

The present Power of Attorney, executed by the Executant herein, authorizing Attorney to do all the acts and deeds as recited therein was signed by the Executant and the rubber stamp of the Company was affixed on the instrument in my presence so described and in the presence of Sh. Ajay Kalsie, the Company Secretary of the Company and that the signatures purporting to be that of the Executant as subscribed at the foot of the foregoing Power of Attorney is in the proper handwriting of the said Executant.

I, therefore, certify and authenticate that this Power of Attorney is in due form of law, in witness whereof, I have hereunto set my hand and affixed my Seal on this 2 day of JUN 2015.



ATTESTED

Sauraj Singh
NOTARY PUBLIC
DELHI (INDIA)

2 JUN 2015

Ajay Kalsie
Mr. Ajay Kalsie

Company Secretary

Tata Power Delhi Distribution Limited



PETITION SEEKING (i) TRUE UP OF ARR for FY 2016-17, the fifth year of MYT CONTROL PERIOD 2013 to 2016 (as extended to FY 2016-17), (ii) Approval of REVISED ARR FOR FY 2017-18, the first year of 3rd MYT CONTROL PERIOD 2018 to 2020 AND (iii) Approval of ANNUAL REVENUE REQUIREMENT FOR FY 2018-19, the 2nd YEAR OF 3rd MYT CONTROL PERIOD, IN TERMS OF THE DELHI ELECTRICITY REGULATORY COMMISSION (TERMS AND CONDITIONS FOR DETERMINATION OF TARIFF) REGULATIONS, 2017, THE DELHI ELECTRICITY REGULATORY COMMISSION (BUSINESS PLAN) REGULATIONS, 2017, DELHI ELECTRICITY REGULATORY COMMISSION (TERMS AND CONDITIONS FOR DETERMINATION OF WHEELING TARIFF AND RETAIL SUPPLY TARIFF) REGULATIONS, 2011 (hereinafter referred as MYT REGULATIONS) extended for FY 2015-16 and 2016-17, AND IN TERMS OF THE DELHI ELECTRICITY REGULATORY COMMISSION (TERMS AND CONDITIONS FOR DETERMINATION OF WHEELING TARIFF AND RETAIL SUPPLY TARIFF) REGULATIONS, 2007, read with ELECTRICITY ACT, 2003 & THE DELHI ELECTRICITY REFORM ACT, 2000 and DERC (COMPREHENSIVE CONDUCT OF BUSINESS REGULATIONS), 2001 and directions issued by the Hon'ble Delhi Electricity Regulatory Commission from time to time.

THE PETITIONER RESPECTFULLY SHOWETH:

1. The Petitioner Tata Power Delhi Distribution Limited (formerly known as North Delhi Power Limited) was incorporated under the provisions of the Companies Act, 1956 with its corporate office at NDPL House, Hudson Lines, Kingsway Camp, Delhi - 110 009. **During financial year 2011-12, the Company applied for change in its name from North Delhi Power Limited to Tata Power Delhi Distribution Limited. Subsequently, a fresh certificate of incorporation consequent to the change in name to Tata Power Delhi Distribution Limited ('the Company') was issued by the Registrar of Companies, N.C.T of Delhi & Haryana on 29 November, 2011 under section 23(1) of the Companies Act, 1956.**

'The Company' primarily engaged in the business of distribution of electricity in North and North-West Delhi was set up in terms of Delhi Electricity Reforms (Transfer Scheme) Rules 2001. The undertaking of the erstwhile Delhi Vidyut Board (DVB) engaged in distribution and retail supply of electricity in the North & North-West districts in the National Capital Territory of Delhi together with the personnel employed



therein were transferred to the Company with effect from 1 July, 2002 which also marked the commencement of commercial operations for the Company.

The Company has been granted a License under section 20 of the Delhi Electricity Reform Act, 2000 (Act No. 2 of 2001) by the Delhi Electricity Regulatory Commission (DERC) on 11 March, 2004. The License is valid for a period of twenty five years.

2. In terms of License TPDDL w.e.f. July 1, 2002 has been carrying out electricity distribution and retail supply in its Area of Supply as defined in schedule H, Part-III of the Delhi Electricity Reform (Transfer Scheme Rules), 2001 and the Distribution and retail supply license issued by the Hon'ble Commission. The Petitioner has also undertaken generation of electricity (solar and gas based) through its generation wing. However due to curtailment of gas by Ministry of Petroleum and Gas, the plant is not operational.
3. The Hon'ble Commission is a **statutory body** and is empowered to regulate the electricity distribution business and determine tariff under section 62 of the Electricity Act 2003.
4. **After completion of Policy Direction Period and 1st MYT Control Period, the Hon'ble Commission enacted the new MYT Regulations 2011 after undertaking the public hearing and stakeholders consultation vide its order dated 02.12.2011 to be effective from 01.04.2012 for next control period comprising FY 2013-15 which was further extended by the Hon'ble Commission for FY 2015-16 vide order dated 22.10.2014 and for FY 2016-17 vide 3rd MYT Regulation 2017 dated 31.01.2017.**
5. The Hon'ble Commission was pleased to publish the Delhi Electricity Regulatory Commission (Terms and Conditions for Determination of Tariff) Regulations, 2017 which were notified on 03.02.2017 for determination of Annual Revenue Requirement for 3rd MYT Control Period (i.e. FY 2017-18 to FY 2019-20). For sake of convenience and brevity, the said regulations have been referred as the 3rd MYT regulations 2017 and subsequently Business Plan Regulations, 2017 was released on 31st August 2017 to be read along with MYT Regulations, 2017.



6. The Hon'ble Commission has issued the tariff order for FY 2017-18 dated 31st August, 2017 received by the Petitioner on 25th September, 2017 in terms of the Delhi Electricity Regulatory Commission (Terms And Conditions For Determination Of Tariff Regulations) 2017 for determination of ARR for FY 2017-18 and True up of FY 2014-15 & FY 2015-16 as per the Terms and Conditions for determination of Wheeling Tariff and Retail Supply Tariff) Regulations, 2011.
7. In compliance with the directives, and without prejudice to the Petitioner's rights, remedies available to it under various laws, and pending provisional true up of various claims, review order, implementation of various judgments before the Hon'ble Commission and pending adjudication of various matters before higher judicial forums, Tata Power Delhi Distribution Ltd. (the Petitioner) is filing this petition seeking for the True Up for FY 2016-17 on the basis of the 2nd MYT Regulations 2011 and principles laid down in various judgments given by Appellate Tribunal of Electricity, judicial authorities, past practice etc. and determination of Revised ARR for FY 17-18 and ARR for FY 18-19 on the basis of the 3rd MYT regulations 2017.

The following matters are pending adjudication before the Hon'ble Commission/ Hon'ble APTEL/ Hon'ble Delhi High Court and Hon'ble Supreme Court against various petitions/ clarifications letters/writ/ appeals/Tariff Orders for previous years (collectively referred to as Pending Matter).

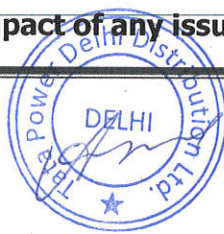
Forum	Number	Brief Description
DERC	P 49/2013	To correct the clerical error in past Tariff Orders inadvertently allowing incentive earned by TPDDL for street light maintenance as a pass through in ARR
DERC	P 04/2014	Seeking allowance of service tax and material cost in respect of street light maintenance services
DERC	P 49/2017	Petition for seeking Review/Revision/clarification of the Commission's Tariff Order dated 31.08.2017 in Petition No. 17/2017 and 24/2017 filed by TPDDL
APTEL	A 246/2014	Against the Tariff Order of the Hon'ble Commission for FY 2014-15
APTEL	A 301/2015	Against the Tariff Order of the Hon'ble Commission for FY 2015-16



Forum	Number	Brief Description
APTEL	A 82/15, 136/15, 274/15, 285/16, 58/16	Appeal against various orders of the DERC determining the applicable tariff and approving terms and conditions for procurement of solar power from 4 of the Petitioner's Solar PV plants set up in the Petitioner's Licensed Area.
APTEL	Appeal 71/2016	Against the order of the DERC dt. 09.01.2016 against Petition 39/2015 challenging the provisional de-capitalisation of TPDDL assets
Supreme Court	C.A. 7910/2011	Appeal Against the Judgment of APTEL in Appeal No. 52/2008
Supreme Court	C.A. 4343/2014	Appeal Against the Judgment of APTEL in Appeal No. 14/2012
Supreme Court	C.A. 6169/2015	Appeal Against the Judgment of APTEL in Appeal No. 171/2012
Supreme Court	SLP 35062/2016	Appeal against the judgment of Hon'ble Delhi High Court in W.P. 203/2012 which challenged the MYT Regulations, 2011
Supreme Court	C.A. 7362/2016	Appeal against the judgment of APTEL in Appeal 186 of 2015.

In the event that any of the above Pending Matter is decided before the issuance of Tariff for the FY 2018-19, the Hon'ble Commission is requested to consider/implement the outcome of the said judgment in Tariff Order for FY 18-19. In the event of order/(s) being declared after the issuance of the tariff order, it is submitted that the impact of the same be allowed forthwith along with the carrying cost. **This suggested approach as stated above shall be in the Petitioner's and in the Consumer's interest since it will avoid any delays caused in giving timely effect to Judgments of the Superior courts and reduction in grant of carrying costs to utilities.**

It is further submitted that since some of the issues were provisionally/partially/not allowed in various previous Tariff Orders, and therefore in accordance with prevalent Regulations, the Petitioner is seeking true up of FY 2016-17 and further requesting to the Hon'ble Commission to allow the impact of any issue along with carrying cost which



is related to previous years i.e. before FY 2016-17, so that determination of Retail Tariff for upcoming years not only becomes cost reflective for the year but is also able to liquidate past Revenue Gap in the benefit of consumers and the Petitioner.

It is submitted that the Hon'ble Commission has provisionally trued up the Revenue Gap up to FY 15-16 and present petition is being filed for true up of FY 16-17.

The Hon'ble Commission has provisionally recognized Revenue Gap of Rs. 2454.10 Cr upto FY 2015-16 on which huge carrying cost is also borne by the consumers. Further, the Petitioner in this current Petition is seeking truing up of revenue gap for FY 2016-17. Therefore, in the interest of the consumers and the Petitioner, it is requested that the Hon'ble Commission may give realistic plan for early amortization of the accumulated Revenue Gap along with cost reflective tariff for the respective year with appropriate additional surcharge/levy/ increase in tariff etc. which will on one side increase the liquidity position of the DISCOMs and on other side it will help lenders to preserve faith on their lending.

It is pertinent to mention that Credit rating agency ICRA in its last rating has also expressed his concerns on the liquidation prospects of regulatory assets. Even a one notch down in credit rating from existing level will increase the Petitioner cost of debt by around 70-90 basis points. Also, absence of clear cut roadmap for the liquidation of regulatory asset severely impacts the future lending rates. Therefore, an early amortization of such huge built up Revenue Gap would further help in sustenance/improvement of the current credit rating of the Petitioner, ultimately resulting into sustenance of lower cost of debt, lower ARR and saving of the carrying cost in the benefit of the consumers.

In compliance with the direction of the Hon'ble Commission, the Petitioner is submitting in compliance with THE DELHI ELECTRICITY REGULATORY COMMISSION (TERMS AND CONDITIONS FOR DETERMINATION TARIFF) REGULATIONS 2017, The DERC (Business Plan Regulations), 2017 ,the DELHI ELECTRICITY REGULATORY COMMISSION (TERMS AND CONDITIONS FOR DETERMINATION OF WHEELING TARIFF AND RETAIL

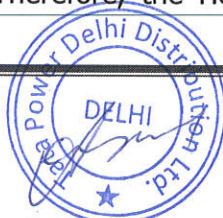


SUPPLY TARIFF) REGULATIONS, 2011 and 2007, the present petition seeking:

- (i) True up of FY 2016-17**
- (ii) Approval of revised ARR for FY 2017-18**
- (iii) Determination of ARR and Wheeling Tariff & Retail Supply Tariff for FY 2018-19**
- (iv) A realistic and time bound amortization plan to liquidate provisionally recognized Revenue Gap up to FY 15- 16 and yet to be trued up of Revenue Gap for the year FY 2016-17**

The present Petition is subject to the outcome of various review/ appeal/ writ petitions pending adjudication before various judicial Forums. The Petitioner in this present Petition seeks the following reliefs from the Hon'ble Commission:

- i. Undertake final true up of pending issues which have been provisionally/partially approved in various previous tariff orders; and
- ii. Ensuring timely recovery of accumulated provisional Revenue Gap up to FY 2016-17 along with carrying cost in a time bound manner; and
- iii. Approval of Annual Revenue Requirement for FY 2018-19 and to determine cost reflective tariff for the same period apart from the trajectory to recover past accumulated Revenue Gap; and
- iv. Continuance of deficit revenue recovery surcharge @ 8% presently or at such percentage as determined by the Hon'ble Commission for ensuring recovery of past Revenue Gaps in a time bound manner; and
- v. The Hon'ble Commission has specified the detailed formula and procedure for recovery of the incremental Power Procurement Cost as Power Purchase Cost Adjustment Charges (PPAC) formula on quarterly basis in the Tariff Order but has not considered the impact of the short term transactions on the overall power purchase costs. Therefore, the Hon'ble Commission is requested to



revise and continue the levy of newly proposed power purchase price adjustment mechanism on net power purchase cost basis in the interest of consumers and to save the burden of increasing carrying cost; and

- vi. Implementation of the issues decided in various Appeals, and any other judgment, if tendered by the Hon'ble APTEL/ Hon'ble High Court/ Hon'ble Supreme Court before finalization of Annual Revenue Requirement determination exercise for FY 2018-19; and
 - vii. Consider the new initiatives proposed and undertaken by the Petitioner and allow the same; and
 - viii. Consider the actual and/or expected additional expenses undertaken by the Petitioner on account of O&M beyond the control of petitioner licensee for the ensuing & previous year respectively as per the clause 11(9) OF MYT Tariff regulations 2017; and
 - ix. Allowance of expenses, if incurred, on arms-length price for the related party transactions.
11. This Petition includes the following documents:
- a. Affidavit verifying the Petition and the Power of Attorney for filing the same.
 - b. Computation of ARR for FY 18-19, True up of FY 16-17 and Revised ARR for FY 2017-18.
 - c. Detailed Forms for FY 2016-17 & FY 2018-19
 - d. Demand Draft no. 508831 dated 27/11/2017 drawn on ICICI Bank for Rs. 1,00,000/- as Filing Fee in favour of Secretary, Delhi Electricity Regulatory Commission.

It is submitted that apart from the other issues mentioned in this petition, the present petition is being filed with specific mention and consideration of the Hon'ble Commission on following issues:



1) Amortization of Accumulated Revenue Gap

It is submitted that there was negligible Revenue Gap up to 31.03.2009 amounting to Rs. 161.43 Cr but due to delay in release of tariff order or non-availability of cost reflective tariff, there has been a huge amount of built up Revenue Gap up to FY 15-16 amounting to Rs. 2454.10 Cr. as provisionally trued up by the Hon'ble Commission in its Tariff Order dated August, 2017.

The judgment of OP1 of 2011 has dealt with sensitive and crucial aspects governing the electricity distribution sector specifically. The Hon'ble APTEL issued various binding directions, while reminding that the Electricity Act 2003 has conferred necessary powers on the Hon'ble Tribunal/(APTEL) to ensure the statutory functions of the SERC's as contained under Electricity Act, 2003 are performed by them. The following **directions** have been issued by the Hon'ble APTEL in its aforesaid order, which is reproduced below for the guidance of the Hon'ble Commission:

- a) *Every State Commission has to ensure that Annual performance Review, **true up of past expenses and Annual Revenue Requirement and tariff determination is conducted year to year basis** as per time schedule specified in the regulations*
- b) *It should be the endeavor of every State Commission to ensure that **the tariff for the financial year is decided before 1st April of the tariff year. Consider making the tariff applicable only till the end of the financial year** so that the licensees remain vigilant to follow the time schedule for filing of the application for determination of ARR/tariff.*
- c)
- d) ***In determination of ARR / tariff, the Revenue Gaps ought not to be left and Regulatory Asset should not be created as a matter of course except where it is justifiable, in accordance with the Tariff Policy and the Regulations. The recovery of the Regulatory Asset should be time bound and within a period not exceeding three years at the most and***



preferably within Control Period. Carrying cost of the Regulatory Asset should be allowed to the utilities in the ARR of the year in which the Regulatory Assets are created to avoid problem of cash flow to the distribution licensee.

- e) *Truing up should be carried out regularly.....*
- f) *Fuel and Power Purchase cost is a major expense of the distribution Company which is uncontrollable. **Every State Commission must have in place a mechanism for Fuel and Power Purchase cost in terms of Section 62(4) of the Act. The Fuel and Power Purchase cost adjustment should preferably be on monthly basis on the lines of the Central Commission's Regulations for the generating companies but in no case exceeding a quarter. Any State Commission which does not already have such formula / mechanism in place must within 6 months of the date of this order must put in place such formula / mechanism.***

Para 66: The said directions are to be strictly adhered to and periodical reports of the compliance to be sent to the Secretary, Forum of Regulators by 1st June of every Financial Year, who will send the status report to the Hon'ble APTEL and publish it on their respective websites.

It is submitted that the Hon'ble Commission has provisionally trued up the Revenue Gap of Rs. 2454.10 Cr up to FY 15-16. The present petition is being filed for true up of FY 16-17. The Hon'ble Commission is requested to kindly consider the final true up upto FY 2016-17.

The concern on creation of regulatory assets in future and the need for timely liquidation of the Regulatory has also been emphasized in the amendments to the National tariff Policy. The relevant extracts have been reproduced below:

"8.2.2 The facility of a regulatory asset has been adopted by some Regulatory Commissions in the past to limit tariff impact in a particular year. This should be done



only as a very rare exception in case of natural calamity or force majeure conditions and subject to the following:

a. Under business as usual conditions, no creation of Regulatory Assets shall be allowed;

b. Recovery of outstanding Regulatory Assets along with carrying cost of Regulatory Assets should be time bound and within a period not exceeding seven years. The State Commission may specify the trajectory for the same."

It may be appreciated that the major part of the regulatory asset has been hovering on the petitioner for more than 7 years and recovery of the high accumulated gap continues to remain a concern for the financial health of the Petitioner, given that there is no clear roadmap stipulated for recovery of the same.

The early amortization of such huge built up Revenue Gap would help in improving the credit rating of the company, ultimately resulting into lower cost of debt and save the burden of the carrying cost in the benefit of the consumers.

The Hon'ble Commission in its Tariff Order dated July, 2012 introduced 8% Deficit Revenue Recovery Surcharges for the recovery of past cumulative Revenue Gap and carrying cost and continued the same rate of 8% for FY 2016-17 also. The following reliefs are sought in respect to Deficit Recovery Surcharge determination:

- I. Considering that the Hon'ble Commission has already provisionally recognized a Revenue Gap of Rs. 2454.10 Cr up to FY 2015-16 vide Table 274 of the Tariff Order August, 2017. Therefore, in light of the mandate of National Tariff Policy, whereby 7 years' time period has been defined which is also lapsed in the case of the Petitioner, therefore, the Hon'ble Commission may take measures for immediate liquidation of the provisionally recognized revenue Gap till FY 15-16 and further true up of FY 2016-17.



- II. This 8% deficit recovery surcharge percentage ought to be reviewed in line with the Hon'ble APTEL Judgment in OP 1 of 2011 thereby ensuring that the Petitioner not only recovers the carrying cost on the Regulatory Asset during the year but also liquidation of the outstanding Regulatory Assets so as to avoid the problem of cash flow to the distribution licensees such as the Petitioner.
- III. An amortization schedule with annual recovery amounts of the provisionally recognized Revenue Gaps of Rs. 2454.10 Cr up to FY 15-16 along with Revenue Gap of FY 16-17 which is yet to be tried up.

2) Disputed Power Purchase Cost

It is submitted that the Petitioner has received certain bills, demands from certain generating, transmission companies in form of supplementary bills, or additional demand in past years. The same has been scrutinized by the Petitioner and found to be prima facie not payable (see table given below).

Party wise detail of disputed amount as on 31st March 2017 is given below

Sl. No.	Party Name	Amount (Rs Cr)	Remarks
A	IPGCL	21.82	LPSC
B	DTL (Tax Bill)	57.42	Income Tax
C	DTL (Wheeling Charges)	44.11	Difference is due to ARR revision as per DERC TO dt. 29.09.2015. The New ARR has been considered from the month of Oct'15 by TPDDL whereas DTL has considered New ARR from Apr'15
D	CPL	25.28	COD issue
E	NTPC	46.76	Anta, Auriya, Dadri
F	GAIL	51.08	Case is still under hearing in High Court and PNGRB
	Total	246.47	

In such cases the Petitioner has opted for the appropriate remedy to challenge the said demands, bills before appropriate court, judicial authorities. Since the petitioner is of the view that power purchase cost comprises majority component of its ARR, proper scrutiny of all such demands made by generators is warranted.



Thus the petitioner in certain cases declined to pay such disputed payments or made payment under protest without prejudice to its rights and subject to outcome of cases filed.

Thus, it is submitted that the Hon'ble Commission may consider and allow the payment of any interest/LPSC (in the Petitioner's power purchase costs), if the petitioner is made to bear such additional costs, in the event the judgment of such cases is tendered against the petitioner. The petitioner has challenged the demands made by the utilities based on legal advice and merely believes that the outcome of the same shall be in favour of Petitioner ultimately benefiting to the consumers.

The Hon'ble Commission may appreciate that in the event the petitioner succeeds in such cases involving disputed amounts against the generating / transmission companies, overall benefit shall flow to the consumers in the form of reduced power purchase cost. Thus as a natural corollary in the event the cases are decided against the Petitioner the interest/LPSC if levied or demanded be allowed as a pass through in ARR in addition to the original power purchase cost, subject to prudence check by the Hon'ble Commission.

It is worth to mention that the Petitioner has got a favorable result in case of DVC. DVC had been claiming an amount of around Rs 1400 Cr of the fixed costs for the stations whose power was surrendered. However, the Petitioner had contested that no liability arises for TPDDL as per the PPA. With great efforts and persuasion, DVC has finally agreed that these charges are not valid and have withdrawn/dropped the same.

Further, TPDDL has also got a favorable Order in case of its Income tax issue with IPGCL. IPGCL had been claiming an amount of around Rs 20 Cr including Carrying cost for period 2011-12. However, TPDDL had contested the demand and finally succeeded in settlement of the demand of Rs 20 Cr to approx. demand of Rs 9 Cr.

TPDDL has also succeeded in getting a favorable Order in case of its COD issue with SASAN Power. SASAN Power had been claiming the COD date as 31st Mar 13 and raised corresponding claim of Rs 32.65 Cr billing for the period 31st mar 13 to 16th Aug 13. However, this COD of 31st March 2013 was contested by TPDDL as the correct COD as



16th Aug 13. This appeal was awarded in favor of TPDDL in Apex Court wherein the contention of TPDDDL was upheld vide order dated 8th Dec 16.

From the above it can be seen that the Petitioner has always worked in the interest of the Consumers and saved approx. Rs 1450 Cr. for Consumers.

Thus, in the Interest of Consumers the Petitioner is contesting these bills, however if the Hon'ble Commission feels that either these bills should not be contested or payment of these bills should not be withheld, the Hon'ble Commission may direct accordingly to the Petitioner and allow the amount of these bills as power purchase cost to be recovered through retails tariff.

These disputed amounts if payable pursuant to court orders may attract interest for delayed period, which is not to be considered as attributed to the default by the Petitioner. The Petitioner would be considered in default in the event it has defaulted in payment on due date of bills, however in these cases some liability may arise not for default of payment by petitioner.

Thus, it is submitted that the Hon'ble Commission may consider and allow the payment of any interest/LPSC (in the TPDDL's power purchase costs), if the TPDDL is made to bear such additional costs, in the event the judgment of such cases is tendered against the TPDDL or allow the disputed Power Purchase cost as a part of Power Purchase Cost for respective year.

3) Additional allowance of O&M expenses for new initiatives/ compliance of statutory levies/regulatory orders/ saving in cost to the benefit of consumers

It is submitted that though the O&M expenses are allowed on normative basis, but there are some O&M expenses which are not included in the base expenses but are incurred as

- a) Interim Relief/Contribution to Leave Salary/Pension Trust paid/payable to FRSR Employees on account of Impact of 7th Pay Commission; and



- b) New initiative; and
- c) For compliance of regulatory orders issues from time to time; and
- d) For the benefit of consumers on cost benefit analysis concept; and
- e) Sudden increase in these O&M expenses due to change in regulatory requirement or compliance to statutory provisions.

Therefore, the Hon'ble Commission is requested to kindly consider allowance of statutory increases minimum wage, service tax, GST etc. on actual basis over and above normative O&M expenses as the same are not in the Control of the Company and these expenses are incurred either for the benefit of consumers on cost benefits analysis and/or for compliance purpose.

4) Demand Raised by NDMC for charging Way Leave usage charges

NDMC has raised demand for recovery of usage charges for granting of Way Leave Facility to various service providers in the jurisdiction of NDMC vide Resolution No 185 dated 13.08.2015 as per Section 430 of the DMC Act 1956 @ Rs. 75162 per running meter up to 1 mtrs; Rs. 75162 x 2 per running meter up to 2 mtr width per annum on the entire length and width of land/ road/ street/ footpath on which wires have been laid.

TPDDL has contested the demand as above before the Hon'ble Delhi High Court through WP 5293/2016 on the ground that these demands are illegal and would unreasonably increase tariff. TPDDL has informed to the Hon'ble Commission about these demands through letter no TPDDL/CL/2015 dated 28.09.2015.

New writ (WP 1113/2017) has now been filed against this resolution and tagged with the old writ vide order dated 14.02.2017.

A series of various communicated exchanged among TPDDL, NDMC and the Hon'ble Commission in these matters have been given below.



Way leave usage charges	
28.08.2015	Communication vide letter no ADDI. CM (Revenue)/NDMC/2015/1052 from North DMC circular for recovery of usage charges for granting of way leave facility to various service providers in the jurisdiction of North DMC which was passed vide Resolution No. 185 dated 13.08.2015 for imposition of 'Way Leave charges/ Usage charges" as per Section 430 of the DMC Act 1957
16.09.2015	Letter ADDI. CM (Revenue)/NDMC/2015/1179 from North DMC with a demand of Rs. 75162 per running meter upto 1 mtr; Rs. 75162 x 2 per running meter upto 2 mtr. width per annum on the entire length and width of land/ road/ street/ footpath on which wires have been laid
31.05.2016	WP 5293/2016 filed before the Hon'ble High Court against the imposition of license fee and way of leave charges.
08.08.2016	New Resolution no. 164 passed by NDMC slashing down the charges to Rs. 684 per running meter upto 2 mtr. width per annum.
04.10.2016	Demand raised by NDMC under this new resolution
14.12.2016	Secy. Power, Smt. Varsha Joshi's communication no. F/11/06/2017/Power/4801 discussed about the issue of way leave charges and recommended to NDMC to drop the same.
07.02.2017	New Writ (WP 1113/2017) filed by TPDDL against the new resolution issued by NDMC
14.02.2017	New Writ tagged with Old writ
01.03.2017	NDMC has issued a letter in reference to its meeting with Department of Power to drop way leave charges imposed on water, sewerage and electricity agencies. However, NDMC still has to give its submission to High Court for withdrawal of such charges.

It is submitted that the Petitioner had been contesting these demand as illegal and had filed a writ. Subsequently, NDMC has also agreed to drop way leave charges imposed on water, sewerage and electricity agencies by way of letter but is yet to submit the same at High Court. Therefore, the Petitioner requests the Hon'ble Commission to take cognizance of the facts as above, and in case later on it is found/



decided that these demands are payable, the Hon'ble commission is requested to allow in ARR as additional expense along with any interest or penalty if payable.

5) Policy on treatment of Retirement of Assets

The Hon'ble Commission vide its letter dated 26.11.2014 has issued adhoc methodology for Retirement of Assets without considering the merit of decapitalisation of assets and its consequential impact on RoCE and other relevant factors. In response to the above said methodology, TPDDL vide its letter dated 28.09.2016 has suggested correct accounting treatment of retired assets and consequential impact on RoCE and other parameters. The Hon'ble Commission is requested to consider the same and to allow the impact of the same in the ensuing Tariff Order.

6) Implementation of Review Order against the Review Petition filed by the Petitioner

The Petitioner has filed a Petition for seeking Review/Revision/clarification of the Commission's Tariff Order dated 31.08.2017 in Petition No. 17/2017 and 24/2017 filed by TPDDL. Therefore, the Hon'ble Commission is requested to implement/ give impact of the Review Order before the issuance of Tariff Order for FY 18-19.

7) Provisional Capitalisation from FY 05-06 onwards

It is submitted that the Hon'ble Commission in its earlier tariff orders has adopted/continued with the approach of continuous deferment of final true up of capitalization and other corresponding items related to that from FY 05-06 to FY 13-14. Thereafter, for the FY 14-15 & FY 15-16, the Hon'ble Commission has considered the Capitalisation as per the audited financials of TPDDL. It is appreciated that the Hon'ble Commission has appointed an agency for the carrying out of the physical verification of assets which is in progress. The Hon'ble Commission is requested to kindly consider the final true up of capitalization and other corresponding items related to the same for the respective years as completed by such agency before the issuance of Tariff Order.



8) Suitable Tariff Hike for FY 2018-19

Without prejudice to the rights, objections, contentions of the Petitioner, it is submitted that due to pending provisional true up of various claims including capitalization and True up of Rithala tariff, review order, implementation of various judgments before the Hon'ble Commission and pending adjudication of various matters before higher judicial forums, the Petitioner has considered provisional approved opening Revenue Gap of Rs. 2454.10 Cr for FY 2015-16 in the Tariff Order dated August 2017. The claims of the Petitioner with respect to Revenue gaps for the past periods (Policy Direction period, 1st MYT period and 2nd MYT period) are on record of the Hon'ble Commission and not being reiterated for the sake of brevity. The Hon'ble Commission vide the last Tariff order dated 31.08.2017 made certain observations with respect to such Truing up claims of the Petitioner (Refer extracts of the Tariff order dated 31.08.2017 for TPDDL):

COMMISSION'S ANALYSIS

3.23 The Commission has already provided the detailed reasons in its Tariff Order dtd. 29/09/2015 regarding treatment of means of finance, Return on Equity, Interest on Loans, Depreciation & De-Capitalisation during Policy Direction, 1st MYT and 2nd MYT period.

3.24 Further, the Commission has appointed consultants for physical verification of the assets of the Petitioner. Therefore, the Commission is of the view that once the physical verification of the asset is finalised then the Commission will consider the impact of Return on Equity, Interest on Loans, Depreciation & De-Capitalisation at the time of final truing up of capitalisation.

3.25 It is also pertinent to mention that the matter is sub-judice as the Petitioner has already challenged the treatment of De-Capitalisation and means of Financing provided by the Commission in its Tariff Order dtd. 29/09/2015 in Appeal No. 301/2015.

Thus the Hon'ble Commission based on its aforesaid reasons has accepted to undertake the Truing Up exercise in near future. In light of the said observations the Petitioner's claim of revenue gap of Rs. 2454.10 Crore is only provisional and shall be



subject to revision, change as and when Hon'ble Commission undertakes final truing up or in the event any judgment/order is passed in any sub judice matters and its impact is to be given effect etc. Thus Petitioner reserves its right to accordingly modify and claim the revenue gap duly taking into account the legal or regulatory developments as the case may be.

The Petitioner has projected revenue deficit of Rs. 365.42 Cr which will further go up on finalization of past year pending issues. Therefore, to meet this revenue deficit, a suitable tariff hike may be approved so that there will be no more addition in the Revenue Gap.

The Petitioner is filing the present Petition to ensure prompt determination of tariff as to truing up of expenses up to FY 2016-17. Though the Petitioner has made all efforts and has tried diligently to ensure a comprehensive Petition, it may be possible that some aspects/components/claims have not been dealt in detail and/or may have been inadvertently omitted. Such lack of detail/ omission, if any, is only inadvertent and ought not to be treated as a waiver of any entitlement. The Petitioner craves leave of this Hon'ble Commission and reserves its rights to supplement the present Petition with additional facts, additional affidavits, additional submissions and claims, if any. Nothing presented in the Petition should be treated as restricting, estopping, waiving or limiting the rights of the Petitioner to claims and entitlements which it is permitted to recover under law.

The filing of the Petition shall not be treated as curtailment of any right or claim of the Petitioner, which it is permitted to recover in terms of its License and Orders of the Hon'ble Commission, the Hon'ble APTEL (including the principle of parity / equality in treatment of DISCOMs but excluding the matters where the Hon'ble Tribunal has exclusively granted relief to the Petitioner only) and or any other proceedings relevant to the entitlement of the Petitioner;

The filing of the present Petition is without prejudice to the rights, objections, contentions of the Petitioner with regard to Delhi Electricity Regulatory Commission (Terms and Conditions for Determination of Tariff) Regulations, 2017, The DERC (Business Plan Regulations) 2017. The filing , submission of the Petition shall not be treated as curtailment of any right or claim of the Petitioner, to challenge/



initiate appropriate legal action against any final order resulting from this Petition which has been filed on the basis of the 2nd MYT Regulations, 3rd MYT Regulations read with the DERC Business Plan regulation 2017 as well as any orders/judgments of the Hon'ble Appellate Tribunal of Electricity, Hon'ble High Court of Delhi, Hon'ble Supreme Court of India as well as any other forum.

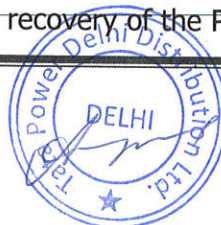
Prayer

In view of the above, the Petitioner respectfully prays that the Hon'ble Commission may be pleased to:

- a) **Admit the Petition:** TPDDL requests the Hon'ble Commission to kindly admit the petition for true up of FY 16-17 and determination of ARR for FY 18-19. Any clarifications, additional information, details sought by the Hon'ble Commission shall be provided as and when directed by the Hon'ble Commission; and/or
- b) **Undertake and approve the** true up of FY 2016-17 and Revised ARR for FY 2017-18 and/or
- c) **Approve the ARR for the FY 2018-19**, based on the submissions made in this Petition and determine the cost reflective tariff for the same period apart from trajectory to recover past accumulated Revenue Gap; and/or
- d) **Direct for expedited recovery trajectory** of the Revenue Gap provisionally determined up to FY 2015-16 as per tariff order dated 31.08.2017 and considering the submission made in this Petition to recognize the Revenue Gap upto FY 2018-19 along with carrying costs to facilitate, enable the Petitioner to avail refinancing of existing loans and repayment etc. from its lenders to make business sustainable; and/or.
- e) In the event of any issues raised by the Petitioner in Appeal or Petitions referred above get adjudicated prior to issuance of the Tariff Order, by the Hon'ble APTEL/ Hon'ble High Court/ Hon'ble Supreme Court and the Hon'ble Commission, the impact of the same may be taken into consideration along with carrying cost while effecting Truing Up exercise; and/or



- f)** In respect to disputed power purchase cost, the Hon'ble Commission is requested
- i) To consider and allow the payment of any interest/LPSC (in the Petitioner's Power Purchase Cost), if the Petitioner is made to bear such additional cost paid to such utilities in the event of any issue decided/tendered against the Petitioner; or
- ii) If the Hon'ble Commission feels that either these bills should not be contested or payment of these bills should not be withheld, the Hon'ble Commission may direct accordingly to the Petitioner and allow the amount of these bills as power purchase cost to be recovered through retail tariff.
- g)** Allow the Petitioner to continue recovery through existing Deficit Revenue Recovery Surcharge or give suitable increase in Deficit Revenue Recovery Surcharge as deemed fit by the Hon'ble Commission; and/or
- h)** Revise the existing PPAC formula on net power purchase cost basis in line with submissions contained herein; and/or
- i)** Exercise its inherent powers or powers of relaxation if so sought by the Petitioner or in cases where so deemed fit suo-moto by the Hon'ble Commission in the interest of determination of Tariff; and/or
- j)** Allow the additional expenditure incurred and to be necessarily incurred as sought by the petitioner to comply with various directions issued by the Hon'ble Commission and vide coming into force of the DERC Supply Code & Performance Standards Regulations 2017; and/or
- k)** To give due consideration to the issues enumerated above which have been represented through various letters, communications from time to time; and/or
- l)** To allow any benefit of reduction from the Tariff determination/revision carried out by the Hon'ble Commission for Delhi Gencos, and Delhi Transco Limited; and/or
- m)** Without Prejudice to TPDDL's rights and contentions to continue and provide for the surcharge of 3.70% for levy and recovery of the Pension Trust contribution in terms



of Para 4.83 of the Tariff order dated 31.08.2017 for FY 2018-19 or till further orders as the case may be.

n) Any other order(s) it may deem fit.

Tata Power Delhi Distribution Limited



Petitioner

New Delhi

ANURAG BANSAL
D.G.M. - Corporate Legal
Tata Power Delhi Distribution Limited
NDPL House, Hudson Lines
Kingsway Camp, Delhi-110009



Bird's eye view of the issues presently sub judice in various judicial authorities.

The Tariff Orders passed by the Hon'ble Commission in past have been challenged by the Petitioner before the Hon'ble Appellate Tribunal for Electricity ["**APTEL**"] and other superior forums. The details of said pending Appeals are provided below for information and convenience of the Hon'ble Commission.

Year of Tariff Order & Appeal No.	Date of Tariff Order/ Date of Judgment	Appeal No.	Status
Review Appeal in DERC (Against Tariff Order of August, 2017)			
2017-18	31.08.2017	49/2017	Pending before the Hon'ble Commission
Appeals in APTEL (against Tariff Orders of the Hon'ble Commission)			
2014-15	23.07.2014	246/2014	Pending before the Hon'ble APTEL
2015-16	29.09.2015	301/2015	Pending before the Hon'ble APTEL
Appeals in Supreme Court (against APTEL Judgments)			
52/2008	31.05.2011	7910/2011	Pending before the Supreme Court
14/2012	28.11.2013	4343/2014	Pending before the Supreme Court
171/2012	10.02.2015	6169/2015	Pending before the Supreme Court
Appeals in Supreme Court (for Tariff Regulations, 2011) against High Court Judgment			
WP (C) No. 2203 of 2012	29.07.2016	SLP 35062/2016 Date of Admission 16/12/2016	Pending before the Supreme Court

The Hon'ble Commission is requested to implement and consider the financial impact along with carrying cost for those issues decided by any of above judicial authority in favour of the Petitioner or conceded by the other respondent party in such proceedings, if any, before issuance of next Tariff order.

In addition to above, it is further mentioned that in various appeals filed by State Generating Stations / Transmission Licensee, TPDDL is also a party of said appeals, hence if any of said appeal is decided before issuing of next Tariff Order, it is requested to the Hon'ble Commission to consider the financial impact of the same also.

