

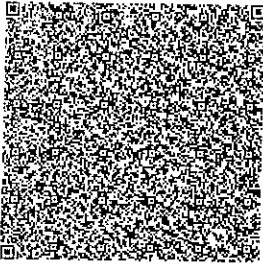
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Government of National Capital Territory of Delhi

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Certificate No. : IN-DL45462229943532Q  
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 Unique Doc. Reference : SUBIN-DLDSLHIMP1794982503929384Q  
 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)



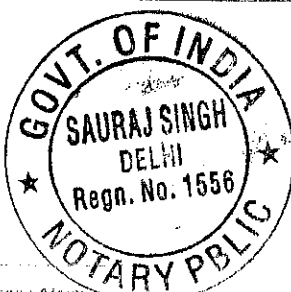
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BEFORE THE HON'BLE DELHI ELECTRICITY REGULATORY COMMISSION

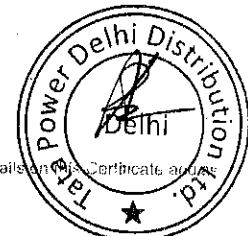
AT

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

NEW DELHI - 110017



PETITION NO. \_\_\_\_\_ OF 2018



Statutory Alert

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IN THE MATTER OF :-

Petition for Approval of Annual Revenue Requirement (ARR) for FY 2019-20, Revised ARR for FY 2018-19, True up for FY 2017-18;

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 Business Plan Regulations, 2017 read with DERC Comprehensive Conduct of Business Regulations 2001

AND

IN THE MATTER OF :-

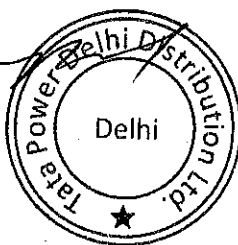
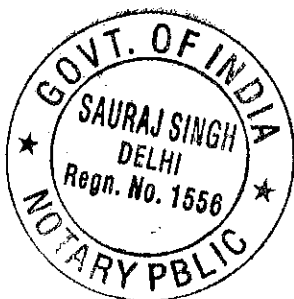
Tata Power Delhi Distribution Limited (Formerly known as North Delhi Power Limited) having its registered office at NDPL House, Hudson Lines, Kingsway Camp, Delhi 110 009

....Petitioner


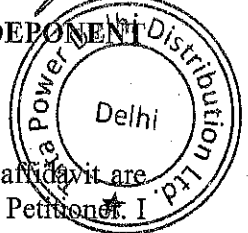
**AFFIDAVIT ON BEHALF OF PETITIONER / TATA POWER DELHI DISTRIBUTION LIMITED (TPDDL)**

I, Anurag Bansal, son of Sh. P.C. Bansal, aged about 42 years residing at C-160, Ashok Vihar, Phase-I, New Delhi- 110052, do hereby solemnly affirm as stated as 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, Kingway Camp, Delhi-110009, and am duly authorized 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, 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 FY 2019-20
  - (ii) Revised ARR for FY 2018-19
  - (iii) True-up for FY 2017-18



5. I say that the statements made and data presented in enclosed petition are to the best of my knowledge and as per 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.

  
DEPONENT  


**VERIFICATION:**


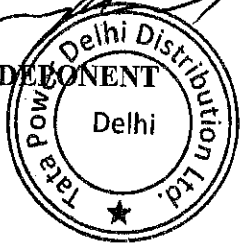
I, the Deponent above named, do hereby verify that the contents of my above affidavit are true to my knowledge and belief, as derived from the records maintained by the Petitioner. I verify that no part of it is false and nothing material has been concealed therefrom.

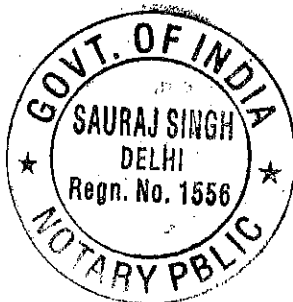
Verified at New Delhi on this.....day, of .....2018

**25 OCT 2018**

Delhi

Date:

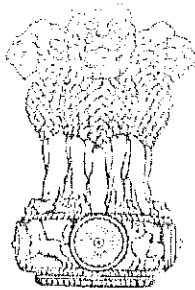
  
DEPONENT  




**ATTESTED**

  
NOTARY PUBLIC  
DELHI (INDIA)

**25 OCT 2018**



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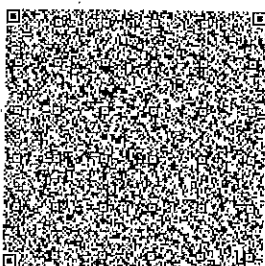
INDIA FOR JUDICIAL

Government of National Capital Territory of Delhi

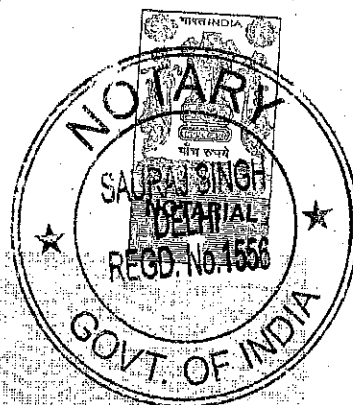
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 Description of Document : Article 48(c) Power of attorney - GPA  
 Property Description : Not Applicable  
 Consideration Price (Rs.) : 0  
 (Zero)  
 First Party : TATA POWER DELHI DISTRIBUTION LIMITED  
 Second Party : Not Applicable  
 Stamp Duty Paid By : TATA POWER DELHI DISTRIBUTION LIMITED  
 Stamp Duty Amount(Rs.) : 100  
 (One Hundred only)



669/018  
 St. No. ....  
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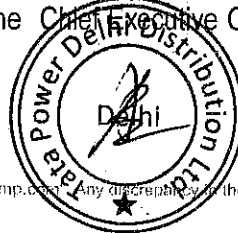
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### POWER OF ATTORNEY

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 Sanjay Kumar Banga S/o Sh. Ram Prakash Banga**, Resident of C-211, Plont No. E-11, Prateek Fedora, Sector-61, Gutam Budha Nagar, Noida 201201, ( hereinafter referred as the '**Executant**'), being the **Chief Executive Officer [ CEO ]** of the company

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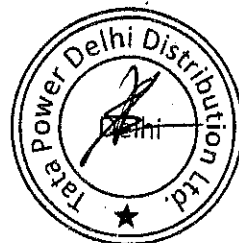


and holder of Power of Attorney given by the Company and adopted by its Board of Directors on 26.04.2016 hereby appoints Sh. Anurag Bansal son of Sh. P C Bansal , aged about 41 years, resident of C- 160 Ashok Vihar Phase-1 Delhi -110052 and working with the Company as the DGM – Corporate Legal vide Employee 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 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

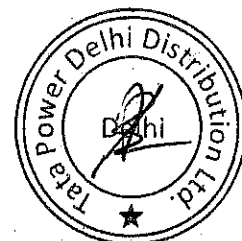
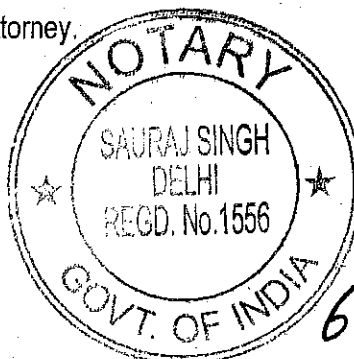
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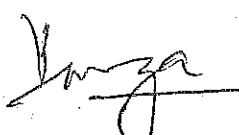
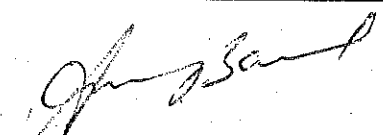
7. To do all other lawful acts and deeds which may be necessary to be done in relation to the above and the Company doth undertake to ratify all such acts, deeds and things as may be lawfully and reasonably performed by the said Attorney in terms of the authorization herein contained;
8. To sign 'Vakalatnama' 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 agrees 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 01.05.2018 and all acts, deeds and things lawfully executed or done by the Attorney since 01.05.2018 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.

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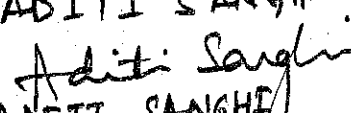


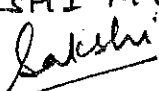
14. This Power of Attorney shall remain in force until revoked or till the time said Attorney is in employment of the Company, however, any such revocation shall not affect, any act, thing or deed lawfully done by said Attorney till then in *bonafide* exercise of authority conferred herein.

IN WITNESS WHEREOF THE EXECUTANT HEREBY SCRIBES HIS HAND TO THE ABOVE PRESENTS AT DELHI ON THIS 12<sup>th</sup> DAY OF July 2018

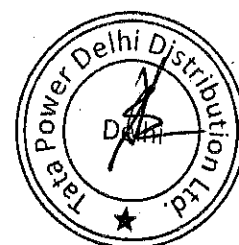
Executed by	Accepted by	Signatures of the Attorney are identified and attested by the Executant
		
Mr. Sanjay Kumar Banga	Mr. Anurag Bansal	
Chief Executive Officer	DGM – Corporate Legal	
Executant	Attorney	

In presence of :

Witness : ADITI SANGHI  
Signatures   
Name ADITI SANGHI  
Address NDPL HOUSE, KINGSWAY CAMP

Witness : SAKSHI MEHROTRA  
Signatures   
Name  
Address NDPL House, Kingsway Camp.

669/018  
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I was this 12th day of July 2018 present at the Registered Office of the Company at NDPL House , Hudson Lines, Kingsway Camp, Delhi 110009 along with the Executant namely **Sh. Sanjay Kumar Banga** who is working there as **Chief Executive Officer**, the Attorney namely **Sh. Anurag Bansal** and **Sh. Ajay Kalsie** , the Company Secretary of the Company.

The Executant has also produced before me the certified copy of **Power of Attorney** dated **26.04.2018** 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**.

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 12/13/18 day of 2018

A circular notary seal for Sauraj Singh, Delhi, Regd. No. 1556, Govt. of India. The seal features the text "NOTARY" at the top, "SAURAJ SINGH" and "DELHI" in the center, and "REGD. No. 1556" and "GOVT. OF INDIA" at the bottom. Two stars are positioned on the left and right sides of the central text.

ATTESTED  
*[Signature]*  
NOTARY PUBLIC  
DELHI (INDIA)





PETITION SEEKING (i) TRUE UP OF ARR for FY 2017-18, the FIRST YEAR of 3<sup>rd</sup> MYT CONTROL PERIOD 2018 to 2020, (ii) Approval of REVISED ARR FOR FY 2018-19, the SECOND YEAR of 3<sup>rd</sup> MYT CONTROL PERIOD 2018 to 2020 AND (iii) Approval of ANNUAL REVENUE REQUIREMENT FOR FY 2019-20, the THIRD YEAR (Last year) OF 3<sup>rd</sup> MYT CONTROL PERIOD 2018 to 2020, 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, 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 2<sup>nd</sup> MYT Control Period, the Hon'ble Commission enacted the new MYT Regulations, 2017 vide its gazette notification dated 31.01.2017 specifying Terms and Conditions for Determination of Tariff after undertaking the public hearing and stakeholders consultation, to be effective from 01.04.2017 to 31.03.2020.**
5. For sake of convenience and brevity, the said regulations have been referred as the 3<sup>rd</sup> MYT Regulations 2017 and subsequently the Hon'ble Commission has issued operational norms for Distribution Utilities vide Business Plan Regulations, 2017 which was released on 31<sup>st</sup> August 2017 to be read along with 3<sup>rd</sup> MYT Regulations, 2017.
6. The Hon'ble Commission has issued the Tariff Order for FY 2017-18 dated 31.08.2017 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 2015-16 and True up of FY 2014-15 as per the Terms and Conditions for determination of Wheeling Tariff and Retail Supply Tariff) Regulations, 2011.
7. The Hon'ble Commission has also issued the tariff order for FY 2018-19 dated 28<sup>th</sup> March, 2018 in terms of the Delhi Electricity Regulatory Commission (Terms And Conditions For Determination Of Tariff Regulations) 2017 for determination of ARR for FY 2018-19 and True up of FY 2016-17 as per the Terms and Conditions for determination of Wheeling Tariff and Retail Supply Tariff) Regulations, 2011.
  8. 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 orders, 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 2017-18 on the basis of the 3<sup>rd</sup> MYT Regulations, 2017 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 18-19 and ARR for FY 19-20 on the basis of the 3<sup>rd</sup> MYT Regulations 2017.
  9. **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 04/2014	Seeking allowance of service tax and material cost in respect of street light maintenance services
APTEL	A 246/2014	Against the Tariff Order for FY 2014-15
APTEL	A 301/2015	Against the Tariff Order for FY 2015-16
APTEL	A 168/2018	Against the Tariff Order for FY 2017-18
APTEL	A 213/2018	Against the Tariff Order for FY 2018-19
APTEL	A 82/15, 136/15, 274/15,	Appeal against various orders of the DERC determining the applicable tariff and approving terms and conditions for

Forum	Number	Brief Description
	285/16, 58/16	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 methodology adopted by the Hon'ble Commission towards de-capitalization of TPDDL assets
APTEL	Appeal Yet to be filed	Against the Interim order of the DERC dt. 18.06.2018 against Petition 03/2010 challenging methodology / treatment for refund of the consumer contribution
Supreme Court	C.A. 7910/2011	Appeal Against the Judgment of the Hon'ble APTEL in Appeal No. 52/2008
Supreme Court	C.A. 4343/2014	Appeal Against the Judgment of the Hon'ble APTEL in Appeal No. 14/2012
Supreme Court	C.A. 6169/2015	Appeal Against the Judgment of the Hon'ble 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 2 <sup>nd</sup> MYT Regulations, 2011
Supreme Court	C.A. 7362/2016	Appeal against the judgment of the Hon'ble 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 2019-20, the Hon'ble Commission is requested to consider/implement the outcome of the said judgment in Tariff Order for FY 19-20. 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 2017-18 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 2017-18, 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 16-17 and present petition is being filed for true up of FY 17-18.

The Hon'ble Commission has provisionally recognized Revenue Gap of Rs. 2,394.61 Cr upto FY 2016-17 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 of Rs. 3,987.72 Cr. upto FY 2017-18. 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 provisional true up of capitalization as the same is pending since long in addition to time bound liquidation prospects of regulatory assets. In spite of excellent performance of the Petitioner in terms of performance parameters, the rating is not being upgraded and even there is chance of downgrade in rating in case, the above issues are not timely addressed. Further, 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 availability of funds and future lending rates thereby adversely impacting the ARR and consumers in terms of higher carrying cost. Therefore, an early true up of capitalization and amortization of such huge built up Revenue Gap would 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.

10. 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 present petition seeking:

- (i) True up of FY 2017-18
- (ii) Approval of revised ARR for FY 2018-19
- (iii) Determination of ARR and Wheeling Tariff & Retail Supply Tariff for FY 2019-20
- (iv) A realistic and time bound amortization plan to liquidate provisionally trued up Revenue Gap upto FY 2017-18

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 2017-18 along with carrying cost in a time bound manner; and
- iii. Approval of Annual Revenue Requirement for FY 2019-20 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 2019-20; 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 including incremental expenses due to change in law/ statutory levies etc. undertaken by the Petitioner on account of O&M expenses and which are beyond the control of Petitioner licensee for the previous year & ensuing years respectively as per the clause 11(9) of 3<sup>rd</sup> MYT Tariff Regulations 2017; and
- ix. Allowance of the given below Incentives in the true spirit and statement of reasons elaborated while issuance of 3<sup>rd</sup> MYT Regulations, 2017
  - Reduction in Distribution Loss Level
  - Higher Collection Efficiency
  - Higher Sale rate of short term surplus power
  - Lower debt cost for capex loans/working capital
  - Lower debt cost for revenue gap loans
- x. 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 19-20, True up of FY 17-18 and Revised ARR for FY 2018-19.

called Forms for FY 2017-18 & FY 2019-20

Demand Draft no. 511321 dated 23<sup>rd</sup> October, 2018 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 16-17 amounting to Rs. 2,394.61 Cr. as provisionally trued up by the Hon'ble Commission in its Tariff Order dated March, 2018.

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. 2,394.61 Cr up to FY 16-17. The present petition is being filed for true up of FY 17-18 along with the impact of some prior period issues upto FY 2016-17. Thus, the Hon'ble Commission is requested to kindly consider the closing value of revenue gap (i.e. Rs. 3,987.72 Cr) upto FY 2017-18 for the purpose of making liquidation plan.

**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 2017-18 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. 2,394.61 Cr up to FY 2016-17 vide Table 147 of the Tariff Order March, 2018. 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 16-17 and further true up of FY 2017-18.
- 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 up to FY 17-18.

## 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.

Party wise detail of disputed amount as on 31<sup>st</sup> March 2018 is given below:

Sl. No.	Party Name	Amount (Rs Cr)	Remarks
A	IPGCL/PPCL	36.79	LPSC
B	DTL (Tax Bill)	57.42	Income Tax

Sl. No.	Party Name	Amount (Rs Cr)	Remarks
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. The same has been paid by TPDDL in FY 18-19
D	CLP	29.05	As per communication dt. 27th April 2016 received from CLP-Jhajjar/TPTCL on the basis of CERC order dt 18th April 2016 in the matter. The order has been Challenged in ATE by TPDDL and Haryana. It is still pending adjudication.
E	GAIL	51.08	Case is still under hearing in Supreme Court and PNGRB. Outcome is awaited
F	Anta Auriya Dadri	52.05	Due to disallowance of cost by commission and Rebate allowed by NTPC.
	<b>Total</b>	<b>270.05</b>	

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 Respondent had contested that no liability arises for the Petitioner 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, the Petitioner 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, the Petitioner had contested the demand and finally succeeded in settlement of the demand of Rs 20 Cr to approx. demand of Rs 9 Cr.

The Petitioner 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 31<sup>st</sup> Mar 13 and raised corresponding claim of Rs 32.65 Cr billing for the period 31<sup>st</sup> Mar 13 to 16<sup>th</sup> Aug 13. However, this COD of 31<sup>st</sup> March 2013 was contested by the Petitioner as the correct COD as 16<sup>th</sup> Aug 13. This appeal was awarded in favor of the Petitioner in Apex Court wherein the contention of the Petitioner 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 Petitioner is made to bear such additional costs, in the event the judgment of such cases is tendered against the Petitioner 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**

Regulation 87 of Tariff Regulations, 2017 provided that " *The Utilities shall be allowed Operation and Maintenance expenses on normative basis including expenses for raising the loan for funding of Working Capital and Regulatory Assets as specified by the Commission in the Business Plan Regulations for the respective Control Period.*

*Provided that the Normative O&M Expenses for the respective Control Period shall not be trued up.*

*Provided further that the water charges, statutory levy and taxes under O&M expenses if indicated separately in the audited financial statement shall not form part of Normative O&M Expenses."*

*Further, Regulation 26(4) of the Business Plan Regulation, 2017, specify that " Impact of any statutory Pay revision on employee's Cost as may be applicable on case to case basis shall be considered separately, based on actual payment made by the*



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



<b>Way leave usage charges</b>	
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.
26.10.2017	NDMC, in the hearing of the Writ has submitted that there are talks amongst Chief Secretary, Government of NCT and Commissioner, NDMC to resolve the matter amicably and the matter is likely to be resolved shortly. However, no communication or directions have been received by TPDDL in this regard.

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) A) Treatment of Retirement of Assets for FY 2002-03 to FY 2016-17**

The Hon'ble Commission vide its letter dated 26.11.2014 has issued adhoc methodology for Retirement of Assets without considering the merit of de-capitalisation of assets and its consequential impact on RoCE and other relevant factors. In response to the above said methodology, the Petitioner vide its letter dated 28.09.2016 has suggested correct accounting treatment of retired assets and consequential impact on RoCE and other parameters. It is also pertinent to mention that the Petitioner has challenged the said methodology vide Appeal No. 71 of 2016 before the Hon'ble APTEL in the year 2016. The said Petition is pending for adjudication.

**B) Loss on retirement for FY 2017-18:**

Regulation 45 to 47 of the Tariff Regulations, 2017 deals with the methodology of allowance of Loss or gain due to De-capitalization/Retirement of Fixed Assets. As per the aforesaid Regulations, the Petitioner has sought net loss of Rs 36.23 Cr for FY 2017-18 in the True up of FY 2017-18. 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 and various other Orders against various Petitions filed by the Petitioner**

The Petitioner has filed a Petition for seeking Review/Revision/clarification of the Commission's Tariff Order dated 28.03.2018 in Petition No. 32 /2018 filed by TPDDL against. Therefore, the Hon'ble Commission is requested to implement/ give impact of the Review Order dated 24.09.2018 before the issuance of Tariff Order for FY 19-20. In addition to the Review Order, the Hon'ble Commission is also requested to implement/ give impact of various orders of the Hon'ble Commission like Order of Anta Auriya Dadri, Street light incentive, street light material cost etc before the issuance of Tariff Order for FY 19-20.

**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 2019-20

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. 2,394.61 Cr for FY 2016-17 in the Tariff Order dated March 2018. The claims of the Petitioner with respect to Revenue gaps for the past periods (Policy Direction period, 1<sup>st</sup> MYT period and 2<sup>nd</sup> 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 28.03.2018 made certain observations with respect to such Truing up claims of the Petitioner (Refer extracts of the Tariff order dated 28.03.2018 for TPDDL):

### **COMMISSION'S ANALYSIS**

*2.240 Asset wise Depreciation rates are specified in the Appendix-1 of the Delhi Electricity Regulatory Commission (Terms and Conditions for Determination of Tariff) Regulations, 2017 and are accordingly allowed in the ARR of the Utilities. Detailed basis for determination of depreciation rates has been explained in the statement of reasons of the Regulations.*

*2.241 Finalization of Capital Expenditure and Capitalisation of the DISCOMs is under process. Pending completion of True up exercise for capitalisation, the Commission has approved the capitalisation on provisional basis so that the future consumers are not burdened with past costs.*

*3.180 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 1st & 2nd MYT period.*

*3.181 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 same shall be trued up and Commission will consider the impact of Return on Equity, Interest on Loans, Depreciation and De-Capitalisation at the time of final truing up of capitalisation.*

*3.182 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. Therefore, the Commission has considered the rate of interest at 10.40% as approved during true up of FY 2015-16 in tariff order dated 31/08/2017 for FY 2016-17 as the SBI base rate has not moved more than 1% on either side.*

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. 2,394.61 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/gap of Rs. 3,985.93 Cr which will further go up on finalization of past year pending issues like Capitalization and Issues pending for adjudication before judicial authorities. Therefore, to meet this opening revenue deficit, a suitable tariff hike may be approved so that there will be no more addition in the Revenue Gap. It is further requested that the Hon'ble Commission may increase the Deficit recovery surcharge for early liquidation of the accumulated Revenue Gap.

The Petitioner is filing the present Petition to ensure prompt determination of tariff as to truing up of expenses up to FY 2017-18. 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 2<sup>nd</sup> MYT Regulations, 3<sup>rd</sup> MYT Regulations read with the DERC Business Plan regulation 2017 as well as any orders/judgments of the Hon'ble Appellate Tribunal of Electricity, the Hon'ble High Court of Delhi, the 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 17-18 and determination of ARR for FY 19-20. 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 2017-18 and Revised ARR for FY 2018-19 and/or
- c) **Approve the ARR for the FY 2019-20**, 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

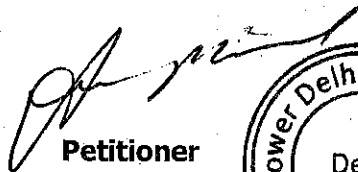
- d) **Specify the expedited recovery trajectory/ amortization plan** of the Revenue Gap provisionally determined up to FY 2017-18 and considering the submission made in this Petition to recognize the Revenue Gap upto FY 2019-20 along with carrying costs to facilitate, enable the Petitioner to avail 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

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 3.80% for levy and recovery of the Pension Trust contribution in terms of Para 2.485 of the Tariff order dated 28.03.2018 for FY 2019-20 or till further orders as the case may be.

Any other order(s) it may deem fit.

**Tata Power Delhi Distribution Limited**

  
**Petitioner**  
New Delhi

