

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 329/MP/2020

- Subject : Petition under Section 79 (1) (a) & (f) read with Section 62 (4) and other applicable provisions of the Electricity Act, 2003 read with Regulation 54 of the Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2014.
- Petitioner : Tata Power Delhi Distribution Ltd
- Respondents : PGCIL & 2 others
- Date of hearing : **8.5.2020**
- Coram : Shri P.K. Pujari, Chairperson
Shri I.S.Jha, Member
Shri Arun Goyal, Member
- Parties present : Shri Buddy Ranganadhan, Advocate, TPDDL
Shri Rahul Kinra, Advocate, TPDDL
Shri M.G. Ramachandran, Senior Advocate, PPCL
Ms. Poorva Saigal, Advocate, PPCL

Record of Proceedings

The matter was listed for hearing through Video Conferencing.

2. The learned counsel for the Petitioner mainly submitted the following:
- (a) The present petition has been filed pursuant to the direction dated 6.3.2020 of Delhi Electricity Regulatory Commission (DERC) to the Delhi Discoms to file petitions before CERC seeking relaxation in the recovery of dues on account of the impact of the tariff Orders dated 17.12.2019 in Petition No. 362/TT/2018, dated 31.7.2019 in Petition No. 20/RP/2018, dated 26.11.2019 in Petition No. 221/GT/2015 and dated 1.10.2019 in Petition No. 152/GT/2015, issued by this Commission in respect of the Respondents. The said direction is in the backdrop of a communication by DERC requesting CERC to consider spreading the time period for recovery of dues of the Delhi Discoms due to huge impact of the tariff orders and in the interest of electricity consumers of Delhi.
- (b) The Petitioner has never escaped its payment obligations and the bills raised by the Respondents (as per table under para 9 of the petition) have been paid after taking the applicable rebate in terms of the Tariff Regulations. Considering the fact that determination of tariff and other factors contributing to the overall revenue requirement of the Petitioner is subject to the approval of DERC, the Commission may grant the relaxation, taking into account the amounts already paid by the Respondents.



(c) While Regulation 7(8)(i-a) of the 2014 Tariff Regulations contemplates the recovery of any differential amount in three instalments in case of the generating companies (PPCL & MPL), it does not contemplate any instalment payments in respect of the transmission licensee (PGCIL). Accordingly, the Commission may relax the regulations and extend the period of payment of instalments, in the interest of the consumers of Delhi.

(d) This Commission has in the past entertained the petitions filed by the Delhi Discoms in terms of the directions of DERC and had disposed of the same with necessary clarifications and directions to the parties. Accordingly, the present petition may also be entertained.

3. On a specific observation of the Commission as to the context of seeking such relaxation in the payment period, when in fact, the Petitioner has demonstrated its capacity by making all payments to the Respondents, the learned counsel for the Petitioner, while affirming that payments have been made to the Respondents, added that the observations of DERC with regard to hike in the PPAC of the discoms on account of the tariff orders of this Commission, adversely impacting the consumers of Delhi, may be considered while granting relief to the Petitioner.

4. The learned Senior Counsel for the Respondent PPCL raised preliminary objections on the 'admissibility' of the Petition and submitted that the reliefs sought by the Petitioner cannot be entertained, as the Petitioner has not demonstrated any financial difficulty in making the payments to the Respondents. He also submitted that the observations of DERC regarding the substantial hike in the PPAC claims of the discoms cannot be a ground for this Commission to grant any relaxation in the regulations. The learned Senior Counsel while pointing out that the Petitioner is entitled to seek appropriate reliefs from DERC, added that the burden of extended instalment payments, if any, cannot be passed on to the generating companies. He prayed for grant of a week's time to file its objections in the matter.

5. The learned counsel for the Petitioner prayed for grant of liberty to file its 'reply' to the objection of the Respondents.

6. The Commission after hearing the parties directed the Respondent PPCL to file its preliminary objections on or before **18.5.2020**, with copy to the Petitioner, who shall file its reply on or before **25.5.2020**.

7. Subject to the above, Commission reserved its order on the 'admissibility' of the Petition.

By order of the Commission

Sd/-
(B.Sreekumar)
Deputy Chief (Legal)

