



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

No. F. 11(1503)/DERC/2017-18/

Petition No. 46/2017

In the matter of: **Petition under Section 142 and Section 42 (4) of the Electricity Act, 2003, against the Non-compliance of the DERC Open Access Order dated 18.05.2017 by the SLDC and the Discoms of Delhi towards settlement of Additional Surcharge of the Open Access Consumers.**

Indian Energy Regulatory Services
Through: Mr. Gaurav Nand
T-44, Karampura,
New Delhi 110 015

...Petitioner

Vs.

1) State Load Despatch Centre
Delhi Transco Limited, 33KV substation building
SLDC Building, Minto Road,
New Delhi 110002

2) BSES Yamuna Power Limited
Through its: CEO
2nd Floor, Shakti Kiran Building,
Karkardooma,
New Delhi-110032

3) BSES Rajdhani Power Limited
Through its: CEO
BSES Bhavan, Nehru Place
New Delhi 110019

4) Tata Power Delhi Distribution Limited
Through its: Managing Director
Grid substation building
Hudson lines, Kingsway camp,
New Delhi-110009

....Respondents

Coram: Sh. B. P. Singh, Member

Appearance:

1. Mr. Buddy Ranganadhan, Adv., BRPL & BYPL
2. Mr. Malvika Prasad, Adv., BRPL & BYPL
3. Mr. Hasan Murtaza, Adv.
4. Mr. Naveen Goel, SLDC
5. Mr. Gagan Swain, BYPL
6. Mr. Abhishek Srivastava, BYPL
7. Mr. Anurag Sharma, BYPL
8. Mr. Ravi Shandilya, BRPL
9. Mr. Kanishk Khettarpal, BRPL
10. Mr. J K Sinha, TPDDL
11. Mr. O P Singh, TPDDL

12. Mr. Uttam Kumar, TPDDL
13. Mr. Kartikey Tripathi, TPDDL
14. Ms. Anukriti Jain, TPDDL
15. Mr. Raunak Jain, TPDDL

INTERIM ORDER

(Date of Hearing 24.10.2017)

(Date of Order: 03.11.2017)

- 1) The petitioner has filed the instant petition under Section 42 (4) and Section 142 of the Electricity Act, 2003 to issue directions/orders/rule/instruction against the non-compliance of the Open Access Order dated 18.05.2015 by the State Load Despatch Centre and the Discoms of Delhi for the settlement of Additional Surcharge of the Open Access Consumers. The petitioner has made following prayers in the Petition:-
 - (i) Direct the respondent to settle the Additional surcharge as per section 42 (4) of the Electricity Act, 2003 and as per the directions given in the Open Access Order dated 18.05.2015 and the subsequent Minutes of Meeting held on 23.06.2015;
 - (ii) Direct the respondents to refund/settle the Additional Surcharge taken from Open Access Consumers for the duration of 18.05.2015 till 31.05.2017 in line of the methodology adopted in the Open Access Order dated 01.06.2017 for determining Additional Surcharge to ensure transparency and fairness;
 - (iii) Non-Compliance of the provisions of the DERC Order by the Respondents shall be dealt as per Section 142 of the Electricity Act, 2003; and
 - (iv) Issue such directions for the smooth implementation of Open Access and promotion of Competition in the sector.
- 2) The representative of the petitioner submitted that the Commission vide Open Access Order dated 18.05.2015 had decided that the additional surcharge taken for the Open Access customers shall be adjusted at the end of each financial year as per actual by the nodal agency (SLDC) on 15 minutes time block basis but two financial years have already passed on and even despite the direction contained in the subsequent Minutes of Meeting dated 23.06.2015 no such adjustment has been done till date by the Nodal Agency and the DISCOMs, which is resulting in huge financial loss to the consumers.
- 3) The representative of the petitioner further requested the Commission to adopt the methodology adopted for calculation of Additional Surcharge in the recent Order dated 01.06.2017 for determining the adjustment of additional surcharge in line with the same methodology to ensure transparency and for the direction of a fair settlement of additional surcharge for the duration from 18.05.2015 to 31.05.2017.

- 4) The representative of the respondent submitted that they have not received copy of the petition.
- 5) The Commission admits the Petition. The petitioner is directed to provide copies of the petition to respondents within two weeks and the respondents may file reply to the petition within three weeks thereafter, with an advance copy to the petitioner.
- 6) The next date of hearing will be informed in due course.
- 7) Ordered accordingly.

Sd/-
(B.P. Singh)
Member