



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

No. F. 11(857 A)/DERC/2012-13/3682

**Petition No. 46/2012**

**In the matter of:      Petition for Treatment of Loss on Retirement of Assets.**

BSES Rajdhani Power Limited

**Through its : CEO**

BSES Bhawan, Nehru Place,  
New Delhi-110019.

....Petitioner

**Petition No. 35/2013**

**In the matter of:      Petition for Treatment of Loss on Retirement of Assets.**

BSES Yamuna Power Limited

**Through its : CEO**

Shakti Kiran Building,  
Karkardooma  
Delhi 110 032

....Petitioner

**Coram:**

**Sh. B.P. Singh, Member**

**Appearance:**

1. Mr. Buddy A Ranganadhan, Advocate BRPL & BYPL
2. Mr. Dushyant Manocha, Advocate BRPL
3. Mr. Mayank Ahlawat, BRPL
4. Mr. Ravi Shandilya, BRPL
5. Mr. Abhishek Mahapatra, BRPL
6. Mr. Shashi Goyal, BRPL
7. Mr. Gagan Swain, BYPL
8. Ms. Prachi Jain, BYPL
9. Mr. Brajesh Kumar, BYPL
10. Mr. Sameer Singh, BYPL

**ORDER**

(Date of Hearing: 22.05.2018)

(Date of Order: 28.05.2018)

1. The present petitions have been filed by the petitioners viz. BRPL and BYPL with the prayer to treat the loss on retirement of assets as per the petitioners books of accounts and allow the same as a pass-through in the next Aggregate Revenue Requirement (ARR) of the petitioners along with applicable carrying cost.
2. Vide DERC (Terms and Conditions for Determination of Tariff) Regulations, 2017 a methodology for treatment of loss and profit on retirement of assets has been

prescribed, whereas there was no such methodology provided in the previous Regulations. As the petitions are in respect of assets retired prior to the notification of extant Regulations, 2017, the petitioners were directed to file written submissions as to whether the aforesaid methodology may also be applied on the assets retired before notification of the DERC (Terms and Conditions for Determination of Tariff) Regulations, 2017.

3. The counsel for the petitioners submitted that the written submissions have been filed, wherein it is stated that as per the terms of law settled by the Supreme Court and the APTEL, Regulations framed under the Electricity Act cannot be given retrospective application, however, in order to put quietus to the discussion, the petitioner is willing to have the aforesaid claim considered on the principles contained in Regulation 45 of the DERC (Terms and Conditions for Determination of tariff) Regulations, 2017, without prejudice to the general principle and retrospective operation and only as a special case.
4. In view of the submissions made by the petitioners the petitions are disposed of with the direction to the petitioners to file their claim regarding retirement of assets along with the relevant data to the Engineering division within four weeks, which shall be processed as per the methodology provided in the DERC (Terms and Conditions of Determination of Tariff) Regulations, 2017.

**Sd/-**  
**(B.P. Singh)**  
**Member**