



DELHI ELECTRICITY REGULATORY COMMISSION
Viniyamak Bhawan, 'C' Block, Shivalik, Malviya Nagar, New Delhi- 110017.

F.11(1546)/DERC/2017-18/6012

PETITION NO. 62/2017

In the matter of : Remand Back matter in Appeal No. 255 of 2013.

Delhi Transco Ltd.
Shakti Sadan Kolta Road,
New Delhi 110002

...Petitioner

Vs.

1. BSES Rajdhani Power Ltd.
Through its : CEO
BSES Bhawan, Nehru Place,
New Delhi 110 019
2. BSES Yamuna Power Ltd.
Through its : CEO
Shakti Kiran Building,
Karkardooma,
Delhi 110 092
3. Tata Power Delhi Distribution Ltd.
Through its : Managing Director
Grid Sub Station Building
Hudson Lines, Kingsway Camp
Delhi 110 009
4. New Delhi Municipal Council
Palika Kendra, Parliament Street
New Delhi 110 001
5. Military Engineers Services
Ministry of Defence
Government of India
New Delhi 110 011

...Respondents

Coram:

Sh. B.P. Singh, Member

Appearance:

1. Mr. Buddy A Ranganadhan, Adv., BRPL, BYPL and TPDDL
2. Mr. Anupam Verma, Adv., BRPL, BYPL and TPDDL
3. Mr. Rahul Kinra, Advocate, BRPL, BYPL and TPDDL
4. Mr. Akshat Srivastava, Advocate, BRPL, BYPL and TPDDL
5. Mr. Ravi Shandilya, BRPL
6. Mr. Mayank Ahlawat, BRPL
7. Mr. Shashi, BRPL
8. Mr. Abhishek Mahapatra, BRPL
9. Mr. Gagan Swain, BYPL
10. Mr. Shekhar Saklani, BYPL

11. Mr. Sameer Singh, BYPL
12. Mr. Abhishek Srivastava, BYPL
13. Mr. Brajesh Kumar, BYPL
14. Mr. Bharat Bhadawat, TPDDL
15. Mr. Varun Sharma, TPDDL
16. Mr. Deepak Jain, TPDDL
17. Ms. Aditi Sanghi, TPDDL

INTERIM ORDER

(Date of Hearing: 22.05.2018)

(Date of Order: 28.05.2018)

1. The Hon'ble APTEL vide judgment dated 01.02.2017 in Appeal No. 255 of 2013 has remanded back the matter to the Commission to consider the issue of Income Tax actually paid by the appellant/petitioner with due verification.
2. None appeared on behalf of the petitioner.
3. The Counsel for the respondent No. 1, BRPL, respondent no. 2, BYPL and respondent no. 3, TPDDL submitted that the written submissions to the claim of the petitioner have been filed by them. Whereas, no written submission has been filed by respondent No. 4, NDMC and respondent No. 5, MES nor any appearance was made on behalf of them.
4. In the written submissions it has been submitted that the petitioner has not provided details as to whether its claim of Income Tax is limited to the Income Tax paid by it on the Return of Equity component of capital employed alone or on the income including other components of profits also.
5. It was also submitted that unless the aforesaid is clarified, the Hon'ble Commission should not allow the claim of the petitioner, otherwise the same would be against this Commission's MYT Transmission Regulations, 2007 which categorically provides that the Income Tax would be allowed limited to the Return on Equity component of capital employed.
6. In view of the above, the petitioner is directed to submit a claim within three weeks, wherein the Income Tax on Return on Equity and on other components of profits are shown separately as per the MYT Regulations, 2007 and the order of the APTEL in the instant matter. An advance copy of the claim shall be furnished to the respondents, who shall file reply to the same within two weeks thereafter.
7. The next date of hearing will be informed in due course.
8. Ordered accordingly.

Sd/-
(B.P. Singh)
Member