



TATA POWER-DDL

Annexure IV

TPDDL/Regulatory/2023-24/03/406
Feb 06, 2024

Office of the HoD (Regulatory and Legal)

"Without Prejudice"

The Secretary,
Delhi Electricity Regulatory Commission
Viniyamak Bhawan C Block Shivalik
Malviya Nagar
New Delhi-110017

Subject: Impact of enforcement sales in line with the Hon'ble Supreme Court Judgement dated 18/10/2022-Reg

Reference:

- 1) Hon'ble Commission's letter no. F.3(704)/Tariff/DERC/2023-24/7780/374 dated 31.05.2023.
- 2) Tata Power-DDL letter no. TPDDL/Regulatory/2023-24/03/201 dated 16.08.2023.

Dear Sir,

We write this with reference to Hon'ble Commission's letter No. F.3(704)/Tariff/DERC/2023-24/7780/374 dated 31.05.2023, wherein the Hon'ble Commission has directed us to furnish the details of enforcement sales data from FY 2007-08 to FY 2021-22.

Tata Power-DDL vide letter no TPDDL/Regulatory/2023-24/03/201 dated 16.08.2023 had submitted all the relevant information for computation of Enforcement Impact.

Hon'ble Commission vide letter dated 31.05.2023 had consented that the Hon'ble Supreme Court in its judgement dated 18.10.2022 has decided a general principle on methodology of enforcement calculations and therefore, it is to be implemented for all the Distribution Utilities. The relevant position of letter is given below for reference:

"3) Since, vide about stated judgement, Hon'ble Supreme Court has decided a general principle for consideration of sales under enforcement which is thereafter utilized for AT&C computation, therefore, TPDDL and NDMC are also directed to furnish the details as sought above"

Accordingly, we would like to submit the **financial impact** of change in enforcement methodology in accordance with the Hon'ble Supreme Court's Judgement annexed along with this letter as **Annexure-A**. The financial impact consists of only principal amount and appropriate carrying cost is to be allowed further as per relevant Regulations and the Hon'ble Supreme Court's Judgement.

Kindly also consider this as additional submission in "Impact of Prior Period Items" chapter of Tata Power-DDL's Petition for True Up of FY 2022-23 and ARR of FY 2024-25 filed on 01.11.2023.

We hope that the Hon'ble Commission would find the same in order and provide the impact of the Hon'ble Supreme Court's judgement in True Up Order.

TATA POWER DELHI DISTRIBUTION LIMITED
(A Tata Power and Delhi Government Joint Venture)
Corporate Office : NDPL House Hudson Lines Kingsway Camp Delhi - 110 005
Website : www.tatapower-ddl.com CIN No. : U40109DL2001PLC111526




age 1 of 2

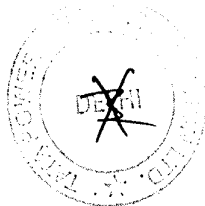
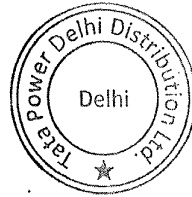
We would be glad to provide any additional information/clarification sought by the Hon'ble Commission.

Thanking You,

Yours Sincerely,
For Tata Power Delhi Distribution Limited,


Anurag Bansal
HOD (Regulatory & Legal)

Encl: As mentioned above.



Annexure-A

**Financial impact of change in enforcement methodology in accordance with the Hon'ble
Supreme Court's Judgement without carrying cost.**

Issue	Amount in Rs. Crores.											Total				
	FY 07-08	FY 08-09	FY 09-10	FY 10-11	FY 11-12	FY 12-13	FY 13-14	FY 14-15	FY 15-16	FY 16-17	FY 17-18		FY 18-19	FY 19-20	FY 20-21	FY 21-22
AT&C incentive		10.91	33.21	33.30	20.44	5.43	2.96	2.21	2.41	4.74	14.16	9.45	5.33	5.14	7.38	157.08



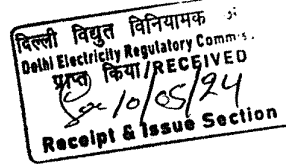


TATA POWER-DDL

TPDDL/Regulatory/2024-25/03/48
10 May, 2024

Office of the HoD (Regulatory & Legal)

The Secretary,
Delhi Electricity Regulatory Commission
Viniyamak Bhawan C Block Shivalik
Malviya Nagar
New Delhi-11001



Subject: Allowance of Tata Power-DDL's claim for change in Enforcement billed sales methodology and Revision of Rate of interest of carrying cost on SBI PLR in line with Hon'ble Supreme Court's Judgements.

- Reference: i. Tata Power-DDL's letter no. TPDDL/Regulatory/2023-24/03/406 dated 06.02.2024.
ii. Tata Power-DDL's letter no. TPDDL/Regulatory/2023-24/03/201 dated 16.08.2023.
iii. Tata Power-DDL's letter no. TPDDL/Regulatory/2023-24/03/70 dated 06.06.2023.
iv. Hon'ble Commission's letter no. F.3(704)/Tariff/DERC/2023-24/7780/374 dated 31.05.2023

Dear Sir,

Hon'ble Supreme court vide its Judgement dated 18.10.2022 and 15.12.2022 revised the methodology for the calculation of billed sales in Enforcement cases and interest rate on carrying cost on SBI PLR respectively. Tata Power-DDL vide above reference letters has raised its claims for allowance of impact in ensuing True Up order. Issue wise detail of claim is as follows:

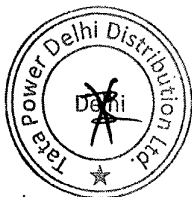
a) **Revision of billed sales of Enforcement cases:**

Hon'ble Commission vide letter No. F.3(704)/Tariff/DERC/2023-24/7780/374 dated 31.05.2023 had consented that the Hon'ble Supreme Court in its judgement dated 18.10.2022 has decided a general principle on methodology of enforcement calculations and therefore, it is to be implemented for all the Distribution Utilities. The relevant position of letter is given below for reference:

"3) Since, vide about stated judgement, Hon'ble Supreme Court has decided a general principle for consideration of sales under enforcement which is thereafter utilized for AT&C computation, therefore, TPDDL and NDMC are also directed to furnish the details as sought above"

The Hon'ble Commission had also directed Tata Power-DDL to furnish the details of enforcement sales data from FY 2007-08 to FY 2021-22 and accordingly Tata Power-DDL vide letter no TPDDL/Regulatory/2023-24/03/201 dated 16.08.2023 had submitted all the relevant information for computation of Enforcement sales.

Further, Tata Power-DDL vide its letter no. TPDDL/Regulatory/2023-24/03/406 dated 06.02.2024 had submitted the financial impact of change in enforcement methodology in accordance with the Hon'ble Supreme Court's Judgement as follows:



TATA POWER DELHI DISTRIBUTION LIMITED

(A Tata Power and Delhi Government Joint Venture)

Corporate Office : NDPL House Hudson Lines Kingsway Camp Delhi - 110 009

Website : www.tatapower-ddl.com CIN No. : U40109DL2001PLC111526

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Issue	FY 07-08	FY 08-09	FY 09-10	FY 10-11	FY 11-12	FY 12-13	FY 13-14	FY 14-15	FY 15-16	FY 16-17	FY 17-18	FY 18-19	FY 19-20	FY 20-21	FY 21-22	Total
AT&C incentive		10.91	33.21	33.30	20.44	5.43	2.96	2.21	2.41	4.74	14.16	9.45	5.33	5.14	7.38	157.08

The financial impact consists of only principal amount and appropriate carrying cost is to be allowed further as per relevant Regulations and the Hon'ble Supreme Court's Judgement.

The Hon'ble Commission is requested to provide the impact of the Hon'ble Supreme Court's Judgement in Enforcement sales in the ensuing True Up Order.

b) Revision of interest rate on carrying cost on SBI PLR

The Hon'ble Supreme Court had vide its order dated 15.12.2022 in the miscellaneous Civil Appeals in BRPL vs Hon'ble DERC had directed the Hon'ble Commission to allow SBI PLR on 70% debt component.

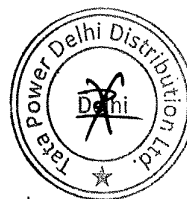
In the said order, the Hon'ble Supreme Court had observed on issue no. 2 related to "Rate of interest on carrying cost" that the Hon'ble Commission has substituted the words 'prevailing market rate keeping in view the prevailing Prime Lending Rate' with the words 'actual interest rate paid by DISCOM on their loans' which is not permissible and has directed Hon'ble Commission to allow SBI PLR on 70% debt component for funding regulatory asset/revenue gap in the ratio of 70:30.

The relevant portion of the judgement is reproduced below for ready reference:

13. In our view, it is clear that DERC has substituted the words 'prevailing market rate keeping in view the prevailing Prime Lending Rate' with the words 'actual interest rate paid by BRPL and BYPL on their loans' which is not permissible in view of the aforesaid judgment of the APTEL. A comparison of the two is given below:

Particular	FY 08	FY 09	FY 10	FY 11	FY 12	FY 13	FY 14	FY 15	FY 16	FY 17	FY 18	FY 19	FY 20	FY 21
BRPL Rate of %	11.03 %	11.47 %	11.30 %	11.87 %	13.11 %	15.26 %	15.02 %	15.14 %	14.19 %	14.07 %	13.85 %	13.38 %	12.25 %	12.24 %
BYPL Rate of %	10.93 %	11.66 %	11.37 %	11.56 %	13.28 %	15.19 %	15.17 %	15.40 %	14.63 %	14.28 %	14.16 %	13.93 %	12.53 %	12.20 %
SBI PLR	12.69 %	12.79 %	11.87 %	12.26 %	14.40 %	14.61 %	14.58 %	14.75 %	14.29 %	14.04 %	13.68 %	13.68 %	13.58 %	12.27 %

14. Therefore, we direct DERC to allow SBI PLR as provided in the Table above, on 70% debt component for funding regulatory asset/revenue gap in the ratio of 70:30.



The above said order of the Hon'ble Supreme Court has attained finality. Therefore, the Hon'ble Commission is requested to revise the interest of carrying cost for the debt portion on SBI PLR from FY 07-08 to FY 16-17 in the ensuing True Up Orders.

Therefore, the Hon'ble Commission is requested to provide the impact of the Hon'ble Supreme Court's Judgements in both the above-mentioned issues in the ensuing True Up Orders.

We hope that the Hon'ble Commission would find the above in order and we shall be pleased to furnish any other information and/or clarification on the same as and when required.

Thanking You,

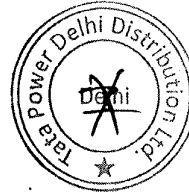
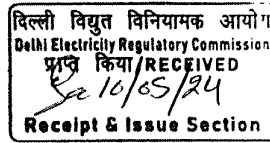
Yours Faithfully,
For Tata Power Delhi Distribution Limited


Anurag Bansal
HoD (Regulatory & Legal)

Encl: Letters listed under Reference.

✓ Copy to:

Executive Director (Tariff)
Delhi Electricity Regulatory Commission,
Viniyamak Bhawan, C-Block, Shivalik,
Malviya Nagar,
New Delhi -110 017





TATA POWER-DDL

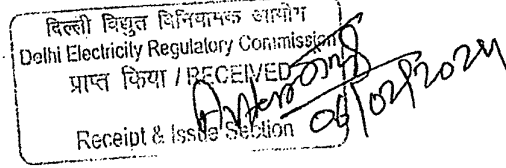
R/C

TPDDL/Regulatory/2023-24/03/406
Feb 06, 2024

Office of the HoD (Regulatory and Legal)

"Without Prejudice"

The Secretary,
Delhi Electricity Regulatory Commission
Viniyamak Bhawan C Block Shivalik
Malviya Nagar
New Delhi-110017



Subject: Impact of enforcement sales in line with the Hon'ble Supreme Court Judgement dated 18/10/2022-Reg

Reference:

- 1) Hon'ble Commission's letter no. F.3(704)/Tariff/DERC/2023-24/7780/374 dated 31.05.2023.
- 2) Tata Power-DDL letter no. TPDDL/Regulatory/2023-24/03/201 dated 16.08.2023.

Dear Sir,

We write this with reference to Hon'ble Commission's letter No. F.3(704)/Tariff/DERC/2023-24/7780/374 dated 31.05.2023, wherein the Hon'ble Commission has directed us to furnish the details of enforcement sales data from FY 2007-08 to FY 2021-22.

Tata Power-DDL vide letter no TPDDL/Regulatory/2023-24/03/201 dated 16.08.2023 had submitted all the relevant information for computation of Enforcement Impact.

Hon'ble Commission vide letter dated 31.05.2023 had consented that the Hon'ble Supreme Court in its judgement dated 18.10.2022 has decided a general principle on methodology of enforcement calculations and therefore, it is to be implemented for all the Distribution Utilities. The relevant position of letter is given below for reference:

"3) Since, vide about stated judgement, Hon'ble Supreme Court has decided a general principle for consideration of sales under enforcement which is thereafter utilized for AT&C computation, therefore, TPDDL and NDMC are also directed to furnish the details as sought above"

Accordingly, we would like to submit the financial impact of change in enforcement methodology in accordance with the Hon'ble Supreme Court's Judgement annexed along with this letter as **Annexure-A**. The financial impact consists of only principal amount and appropriate carrying cost is to be allowed further as per relevant Regulations and the Hon'ble Supreme Court's Judgement.

Kindly also consider this as additional submission in "Impact of Prior Period Items" chapter of Tata Power-DDL's Petition for True Up of FY 2022-23 and ARR of FY 2024-25 filed on 01.11.2023.

We hope that the Hon'ble Commission would find the same in order and provide the impact of the Hon'ble Supreme Court's judgement in True Up Order.



TATA POWER DELHI DISTRIBUTION LIMITED
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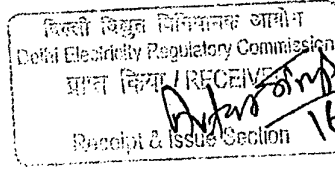


TATA POWER-DDL

TPDDL/Regulatory/2023-24/03/201
Aug 16, 2023

Office of the HoD (Regulatory and Legal)

The Secretary,
Delhi Electricity Regulatory Commission
Viniyamak Bhawan C Block Shivalik
Malviya Nagar
New Delhi-110017



"Without Prejudice"

Anurag Bansal
16/08/2023
+ 1 Pen Drive

Subject: Data/Information for enforcement sales in line with the Hon'ble Supreme Court Judgement dated 18/10/2022-Reg

Dear Sir,

We write this with reference to Hon'ble Commission's letter No. F.3(704)/Tariff/DERC/2023-24/7780/374 dated 31.05.2023, wherein the Hon'ble Commission has directed us to furnish the details of enforcement sales data from FY 2007-08 to FY 2021-22.

Accordingly, we would like to submit the following details in a pen drive annexed along with this letter:

1. Year wise and Case wise data from FY 2008-09 to FY 2021-22 for Enforcement Sales.
2. Basis and calculation of Assessed Units in Enforcement Sales from FY 2008-09 to FY 2021-22 based on the LDHF formula.
3. Year wise/Case wise details of Payment along with Payment Number Details.
4. Year wise, Case Wise data from FY 2008-09 to FY 2021-22 of enforcement amount collected reconciled with books of accounts/Form 2.1a.
5. Lok Adalat Orders for FY2021-22 and FY 2020-21. Settlement Orders of other years can be provided to Auditors on case-to-case basis during prudence check.

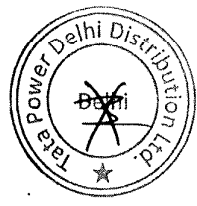
Further, we are not able to extract the detailed data of FY 2007-08 as Tata Power-DDL had migrated to other software like "SAMBANDH" at the end of FY 2007-08 and then to "SAP" in FY 2011-12. Hence, the Hon'ble Commission is requested to consider the derived units on the basis of single ABR for FY 2007-08.

We hope that the Hon'ble Commission would find the same in order and we would be glad to provide any additional information/clarification sought by the Hon'ble Commission.

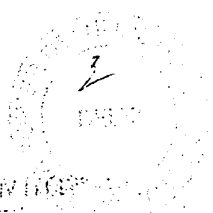
Thanking You,

Yours Sincerely,
For Tata Power Delhi Distribution Limited,

Anurag Bansal
Anurag Bansal
HOD (Regulatory & Legal)



Encl: As mentioned above.



TATA POWER DELHI DISTRIBUTION LIMITED
Tata Power Delhi Distribution Limited, C-Block, Viniyamak Bhawan, Malviya Nagar, New Delhi-110017
Tel: 011-26191000, Fax: 011-26191001, Email: info@tatapowerdelhi.com



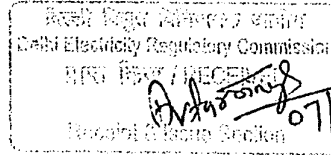
TATA POWER-DDL

R/C

TPDDL/REGULATORY/2023-24/03/ 70
Jun 06, 2023

Office of the Chief (Regulatory, Legal & PM)

The Secretary
Delhi Electricity Regulatory Commission,
Viniyamak Bhawan, C-Block, Shivalik,
Malviya Nagar,
New Delhi -110 017.



Subject: Request to allow SBI PLR for carrying cost as per Supreme Court Order dated 15.12.2022.

Reference: (1) Hon'ble Supreme Court's order dated 15.12.2022 in the miscellaneous Civil Appeals in BRPL vs Hon'ble DERC

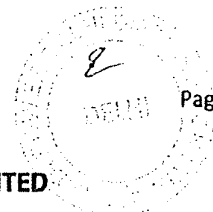
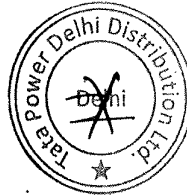
(2) Tata Power-DDL's letter dated 09.01.2023 on Re-Opening of Tariff setting principles during True Up Orders

Dear Sir,

We write in continuation to our letter dated 09.01.2023 (copy enclosed as Annexure-1) on Re-Opening of Tariff setting principles during True Up Orders wherein Tata Power-DDL sought to bring to the notice of the Hon'ble Commission certain issues wherein the Hon'ble Commission had while undertaking Truing Up exercise for a particular Financial Year, reopened its earlier Tariff Order and disallowed significant amounts to Tata Power-DDL. It was accordingly requested to the Hon'ble Commission to issue suitable directions/orders on above issues in view of the mandate laid down by the Hon'ble Supreme Court in its order dated 18.10.2022 in the Civil Appeals Nos 4323 of 2015 BYPL Vs Hon'ble DERC and 4324 of 2015 BRPL Vs Hon'ble DERC.

Further, Tata Power-DDL wishes to bring to the notice of the Hon'ble Commission the Hon'ble Supreme Court's order dated 15.12.2022 in the miscellaneous Civil Appeals in BRPL vs Hon'ble DERC (copy enclosed as Annexure-2).

In the said order, the Hon'ble Supreme Court has observed on issue no. 2 related to "Interest rate of Carrying cost" that the Hon'ble Commission has substituted the words 'prevailing market rate keeping in view the prevailing Prime Lending Rate' with the words 'actual interest rate paid by DISCOM on their loans' which is not permissible and has directed Hon'ble Commission to allow SBI PLR on 70% debt component for funding regulatory asset/revenue gap in the ratio of 70:30.



Page 1 of 2

TATA POWER DELHI DISTRIBUTION LIMITED

(A Tata Power and Delhi Government Joint Venture)

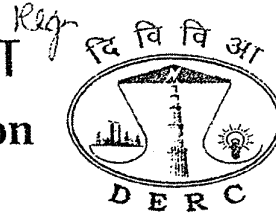
Corporate Office : NDPL House Hudson Lines Kingsway Camp Delhi - 110 009

Website : www.tatapower-ddl.com CIN No. : U40109DL2001PLC111526



सत्यमेव जयते

दिल्ली विद्युत विनियामक आयोग Delhi Electricity Regulatory Commission



F.3(704)/Tariff/DERC/2023-24/7780/374

Dated: 31/05/2023

To

The Chairperson,
New Delhi Municipal Council,
Palika Kendra, Sansad Marg,
New Delhi-110001

The Chief Executive Officer
Tata Power Delhi Distribution Ltd.
33 kV Grid Sub-station
Hudson Lane, Kingsway Camp,
Delhi-110009

The Chief Executive Officer
M/s BSES Rajdhani Power Ltd.
BSES Bhawan, Nehru Place,
New Delhi-110019

The Chief Executive Officer
M/s BSES Yamuna Power Ltd.
Shakti Kiran Building,
Karkardoma, Delhi-110092

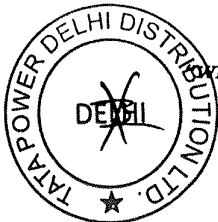
TATA POWER DDL
02 JUN 2023
OFFICE OF THE
CHIEF EXECUTIVE OFFICER

Sub: Data/Information for Enforcement Sales in line with Hon'ble Supreme Court Judgment dated 18/10/2022 - Reg.

Sir,

In compliance of the directions of the Hon'ble Supreme Court Judgment dated 18/10/2022, BSES DISCOMs vide their letters dated 27/02/2023 and 12/04/2023 submitted certain information and sought revision in AT&C for the period from FY 2007-08 to FY 2019-20. The information has been analysed and it is noted that Enforcement Sales now claimed / assessed is at variance from that claimed in the previous years' True-up Petitions, tabulated as follows:

F Y	BRPL (MU)			BYPL (MU)		
	Enforcement Sale as Claimed in Tariff Petition	Enforcement Sale as per Tariff Order	Revised Enforcement Sale now submitted	Enforcement Sale as Claimed in Tariff Petition	Enforcement Sale as per Tariff Order	Revised Enforcement Sale now submitted
2007-08	0	0	173	0	0	78
2008-09	130	65	125	62	31	90
2009-10	85	43	106	41	20	77
2010-11	73	36	47	61	31	55
2011-12	62	26	57	46	23	36
2012-13	51	23	46	35	17	25
2013-14	62	25	58	29	13	27
2014-15	35	35	174	21	21	52
2015-16	41	41	145	24	24	65
2016-17	66	44	142	33	33	60
2017-18	58	32	30	20	20	25
2018-19	62	30	46	14	14	26
2019-20	47	27	39	13	12	25



"WEAR FACE MASK"

"WASH HANDS REGULARLY"

"MAINTAIN SOCIAL DISTANCING"

विनियामक भवन, सी-ब्लॉक, शिवालिक, मालवीय नगर, नई दिल्ली-110017

Viniyamak Bhawan, C-Block, Shivalik, Malviya Nagar, New Delhi-110017

Phone: 41601674, Fax: 26673608, e-mail: dirtariff@derc.gov.in, Website: www.derc.gov.in

2) Accordingly, I am hereby directed to inform that you are required to furnish the following information on Affidavit duly signed and stamped by competent authority on all pages:

a) Year-wise, Case wise data from FY 2007-08 to FY 2021-22 of Enforcement Sale comprising:

i) Documentary evidence of the claimed enforcement sales data, Sales claimed, and revised Sales claimed (Petition and Form 2.1a)

(a) Basis of computing the assessment during the year.

(b) Calculation of Assessed units as per LDHF Formula.

ii) Documentary evidence for:

(a) Lok Adalat Order copy, in case the settlement is done after Lok Adalat highlighting the settled amount and Energy assessed and payment of consumer

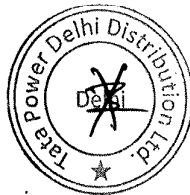
(b) Receipt of Payment, in case the consumers agrees with the DISCOM assessment and paid the amount

b) Year-wise, Case wise reconciliation of Amount Collected on account of Enforcement with Amount Collected as per Audited Books of Accounts.

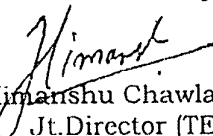
3) Since, vide about stated judgement, Hon'ble Supreme Court has decided a general principle for consideration of sales under enforcement which is thereafter utilized for AT&C computation, therefore, TPDDL and NDMC are also directed to furnish the details as sought above.

4) The above sought information to be submitted by DISCOMs within 15 (fifteen) days from the issuance of said letter.

This issues with the approval of the Commission.



Yours faithfully,


(Himanshu Chawla)
Jt. Director (TE)

"WEAR FACE MASK"

"WASH HANDS REGULARLY"

"MAINTAIN SOCIAL DISTANCING"



TATA POWER DELHI DISTRIBUTION LIMITED

A Tata Power and Delhi Government Joint Venture

Regd. Office: NDPL House, Hudson Lines,
Kingsway Camp, Delhi-110 009

Tel: +91 1166112222, Fax: +91 1127468042

Toll free No: 19124 / 1800-208-9124

Website: www.tatapower-ddl.com

Website: www.urjaarpan.com

CIN NO.: U40109DL2001PLC111526

