

COURT-1

IN THE APPELLATE TRIBUNAL FOR ELECTRICITY
(Appellate Jurisdiction)

OP No. 1 OF 2025 & IA No. 1403 OF 2025 & IA No. 1404 OF 2025 & IA
No. 1532 OF 2025 & IA No. 1610 OF 2025 & IA No. 1747 OF 2025

Dated: 14th January, 2026

Present : Hon`ble Mr. Justice Ramesh Ranganathan, Chairperson
Hon`ble Mr. Ajay Talegaonkar, Technical Member (Electricity)

In the matter of:

In Suo-Motu action under Section 121 of the EA Petitioner(s)

Versus

Forum of Regulators & Ors. Respondent(s)

Counsel on record for the Petitioner(s) : Anushree Bardhan
Shikha Ohri
for App. 1

Counsel on record for the Respondent(s) : Poorva Saigal
Shubham Arya
Pallavi Saigal
Reeha Singh
Rishabh Saxena
Harshvardhan Singh
Shirin Gupta
for Res. 1

C.K. Rai
Shiva Singh
Anuradha Roy
Vinay Kumar Gupta
for Res. 2

C.K. Rai
for Res. 3

Anand K. Ganesan
Swapna Seshadri

Utkarsh Singh
Sneha Singh Baghel
for Res. 4

M. T. George
for Res. 5

Sahil Chandra
for Res. 6

Ravi Kishore
for Res. 7

Rutwik Panda
Anshu Malik
for Res. 8

Gargi Kumar
for Res. 9

Dhananjay Baijal
for Res. 10

Pratibhanu Singh Kharola
for Res. 11

Sethu Ramalingam
S. Shivshankari
for Res. 12

Pradeep Misra
for Res. 13

C.K. Rai
Shiva Singh
Anuradha Roy
Vinay Kumar Gupta
for Res. 14

Somanadri Goud Katam
for Res. 15

Shlok Chandra
for Res. 16

Suparna Srivastava
for Res. 17

Mandakini Ghosh
for Res. 18

Gaichangpou Gangmei
Arjun D Singh
Yimyanger Longkumer
Maitreya Mahaley
for Res. 19

Aishwarya Subramani
Harsha V Rao
Anand K. Ganesan
for Res. 20

Suriti Chowdhary
Anuj Bhawe
Abiha Zaidi
Pritam Raman Giriya
for Res. 21

Mandakini Ghosh
for Res. 22

Anish Roy
for Res. 23

Farrukh Rasheed
for Res. 24

Rohini Prasad
for Res. 25

Sriram Krishna
Anupama Dhurve
for Res. 26

Shri Venkatesh
Suhael Buttan
Nihal Bhardwaj
Abhishek Nangia

Kartikay Trivedi
Surbhi Kapoor
Shivam Kumar
Punyam Bhutani
Nikunj Bhatnagar
Tarang Saraogi
Ananya Dutta
Shryeshth Ramesh Sharma
Kanika Chugh
Priya Dhankar
Mohit Mansharamani
Mohit Gupta
Indu Uttara
Harsh Vardhan
Vedant Choudhary
Adarsh Singh
Drishti Rathi
Ashutosh Kumar Srivastava
Akash Lamba
Siddharth Nigotia
Vineet Kumar
Manu Tiwari
Kunal Veer Chopra
Tanishka Khatana
Aashwyn Singh
Aniket Kanhaui
Manav Bhatia
for Res. 27

C.K. Rai
Anuradha Roy
Vinay Kumar Gupta
Shiva Singh
for Res. 28

Surabhi Pandey
for Res. 29

Abiha Zaidi
Suriti Chowdhary
Pritam Raman Giriya
Anuj Bhawe
for Res. 30

Vishrov Mukerjee
Janmali Gopal Rao Manikala
Nishtha Kumar
Yashaswi Kant
Pratyush Singh
Damodar Solanki
Priyanka Vyas
Juhi Senguttuvan
Anumeha Smiti
Garima Adlakha
Sai Snigdha Nittala
Snehal Upadhyay
for Res. 31

Amit Kapur
Anupam Varma
Rahul Kinra
Aditya Gupta
Aditya Ajay
Girdhar Gopal Khattar
Isnain Muzamil
Adamyia Ojha
Yash Srivastava
Vaibhav Sharma
for Res. 32

Amit Kapur
Anupam Varma
Rahul Kinra
Aditya Gupta
Aditya Ajay
Girdhar Gopal Khattar
Isnain Muzamil
Adamyia Ojha
Yash Srivastava
Vaibhav Sharma
for Res. 33

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Ashutosh Kumar Srivastava
Suhael Buttan
Nihal Bhardwaj

Surbhi Kapoor
Adarsh Singh
Siddharth Nigotia
Manu Tiwari
Abhishek Nangia
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Ananya Dutta
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Nikunj Bhatnagar
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Punyam Bhutani
Vedant Choudhary
Tarang Saraogi
Manav Bhatia
Drishti Rathi
for Res. 34

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Adarsh Singh
Siddharth Nigotia
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Nikunj Bhatnagar
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Punyam Bhutani
Vedant Choudhary
Tarang Saraogi
Manav Bhatia
Drishti Rathi
for Res. 35

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Surbhi Kapoor
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Nikunj Bhatnagar
Kunal Veer Chopra
Punyam Bhutani

Vedant Choudhary
Tarang Saraogi
Manav Bhatia
Drishti Rathi
for Res. 36

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Surbhi Kapoor
Adarsh Singh
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Kunal Veer Chopra
Punyam Bhutani
Vedant Choudhary
Tarang Saraogi
Manav Bhatia
Drishti Rathi
for Res. 37

S. Vallinayagam
for Res. 38

ORDER

The DERC-Respondent No. 10 in para 5 of the affidavit filed by them on 05.01.2026, had stated that, while they would be paying carrying cost for FY 2022-23 and FY 2023-24 at 11.07% for BRPL, 10.99% for BYPL and 9.12% for TPDDL, they would pay carrying cost as per Rule 23 of the Electricity (Amendment) Rules, 2024 at 13.65% for FY 2024-25 and 14% for FY 2025-26 in terms of the order of APTEL dated 02.12.2025.

The order of the Supreme Court dated 06.08.2025, as modified by the order dated 28.10.2025, requires the DERC to pay carrying cost on the unliquidated regulatory assets as on 01.04.2024 in terms of Rule 23 of the Electricity (Amendment) Rules, 2024. It is not in dispute that the interest rate mentioned in the table in Para-5, in so far as FY 2024-25 and FY 2025-26 is concerned, is in terms of Rule 23 of the Electricity (Amendment) Rules, 2024.

While a true up order has already been passed by the DERC for FY 2022-23, the schedule provided by them would require them to pass the true up order for FY 2023-24 by 31.03.2026.

While making it clear that the observations in this order would not come in the way of the Delhi Discoms challenging the said true up orders by way of appeal, we must bear in mind that this Tribunal is required, in terms of the order of the Supreme Court, only to monitor implementation of the unliquidated regulatory assets as on 01.04.2024. As it is not in dispute that the carrying cost provided in the table in Para-5 is in terms of Rule 23 of the Electricity (Amendment) Rules, 2024, we see no reason to delve on this aspect any further.

The table in Para-5 shows the total amount due to all the three Delhi Discoms together as Rs.38552 Crores i.e. Rs.19174 Crores to BRPL, Rs.12333 Crores to BYPL and Rs.7046 Crores to TPDDL. The total of these three Discoms if taken together, shows the figure to be Rs.38553 Crores and not Rs.38552 Crores. While the possibility of the discrepancy of one crore having arisen as a result of rounding off cannot be ruled out, we are satisfied that this is an aspect which the DERC is required to look into and correct, if need be.

Mr. Amir Kapur, Learned Counsel appearing on behalf of two of the Delhi Discoms, would submit that the DERC has not complied with the directions of the Supreme Court for conducting of an intensive audit. Mr. Nikhil Nayyar, Learned Senior Counsel appearing on behalf of the DERC, would submit that the DERC had earlier requested that Comptroller and Auditor General of India to conduct the audit; the CAG, in turn, had addressed letter dated 21.11.2025 to the Auditor General of the Government of Delhi to act on this proposal of the DERC; and it is because of the delay in intimation by the CAG in this regard that the DERC is in no position to have an intensive audit conducted.

The order of the Supreme Court dated 06.08.2025 does not obligate the DERC to have an intensive audit conducted only by the CAG or by an Auditor appointed by them. Several State Regulatory Commissions have, in compliance with the orders of the Supreme Court dated 06.08.2025, appointed Chartered Accountants to conduct the intensive audit. Nothing prevented the DERC from doing so likewise. While the delay on the part of the DERC in appointing the auditor for conducting the intensive audit does not appear to be justified, we deem it appropriate to permit the DERC, in compliance with the orders of the Supreme Court dated 06.08.2025, to

initiate the process for appointment of auditor(s), for conducting the intensive audit, within two weeks from today. We make it clear that, in case the CAG chooses not to conduct an audit or appoint an auditor or refrains from intimating the DERC in this regard within one week from today, the DERC shall proceed and initiate the process for appointment of a suitable Chartered Accountant, to conduct the intensive audit in terms of the Supreme Court order dated 06.08.2025, within two weeks from today.

Post the matter on **03.02.2026.**

Ajay Talegaonkar
Technical Member (Electricity)

Justice Ramesh Ranganathan
Chairperson

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