

### Record of proceedings dated 27.09.2021

Case No.	Name of the Petitioner(s)	Name of the Respondent(s)
O. P. No. 20 of 2020	M/s. Navabharat Ventures Limited	TSTRANSCO & TSNPDCL

Petition filed seeking declaration of its steam generation as renewable source of energy.

Sri Challa Gunaranjan, advocate for petitioner, Sri Y. Rama Rao, Advocate for respondent No. 1 and Sri. Mohammad Bande Ali, Law Attachee, for respondent No. 2 have appeared through video conference. The counsel for petitioner stated that the issue had already been considered in the order passed by the Commission in O. P. No. 31 of 2020 relating to compliance of RPPO for the year 2018-19. The petitioner had already filed the relevant judgments / order rendered by the Hon'ble ATE and APERC. The counsel for petitioner extensively readout the findings in the said judgments and orders to support its case that it is a renewable source of energy. He explained the mandate of section 86 (1) (e) of the Act, 2003 and also interpreted the provisions of the National Tariff Policy relating to RPPO. It is his case that the NTP cannot go beyond the statute which recognized cogeneration as renewable source of energy under section 86 (1) (e) of the Act, 2003.

The counsel for petitioner stated that the Commission made it amply clear while examining the compliance of RPPO for the year 2018-19 that the process involved by the petitioner would constitute a renewable source of energy and as such, it may be treated as renewable source and considered for compliance of RPPO. The Commission as well as the judgment relied upon by the petitioner make it emphatically clear that waste heat recovery would constitute a renewable source and the quantum of energy drawn thereof can be set off against RPPO.

The counsel for respondent No. 1 stated that the submissions made in the counter affidavit may be considered. It is stated that the licensee had addressed a letter to the Commission on 08.09.2021 about 21 obligated entities complying with RPO and only 5 entities including the petitioner have confirmed that they have complied with the RPO for FYs 2018-19 and 2019-20. The Commission may consider the specific case of the licensee that metering is required to be done to

identify the quantum of RPO complied with from the renewable sources, if it is technically feasible.

The counsel for petitioner stated that though, metering of energy generated from renewable energy generating plant is not feasible, the Commission may examine the technicality of the same. Having heard the submissions of the parties, the matter is reserved for orders.

Sd/-  
Member

Sd/-  
Member

Sd/-  
Chairman

Case No.	Name of the Petitioner(s)	Name of the Respondent(s)
O. P. No. 21 of 2021	M/s. The India Cements Ltd.	TSTRANSCO & TSSPDCL

Petition filed seeking accreditation of its waste heat recovery system as renewable source.

Sri Challa Gunaranjan, Advocate for the petitioner and Sri Mohammad Bande Ali, Law Attachee for respondents have appeared through video conference. The counsel for petitioner and the representative of the respondents stated that the submissions made in O. P. No. 20 of 2020 are applicable to this case also. In view of the above, the matter is reserved for orders.

Sd/-  
Member

Sd/-  
Member

Sd/-  
Chairman

Case No.	Name of the Petitioner(s)	Name of the Respondent(s)
O. P. No. 22 of 2021	M/s. My Home Industries Private Limited	TSTRANSCO & TSSPDCL

Petition filed Seeking accreditation of its waste heat recovery system as renewable source.

Sri Challa Gunaranjan, Advocate for the petitioner and Sri Mohammad Bande Ali, Law Attachee for respondents have appeared through video conference. The counsel for petitioner and the representative of the respondents stated that the submissions made in O. P. No. 20 of 2020 are applicable to this case also. In view of the above, the matter is reserved for orders.

Sd/-  
Member

Sd/-  
Member

Sd/-  
Chairman

Case No.	Name of the Petitioner(s)	Name of the Respondent(s)
O. P. No. 23 of 2021	M/s. Prashanth Narayan G (PNG)	TSTRANSCO, its CGM (Comml. & RA ) & TSSPDCL

Petition filed seeking directions to the respondents to approve long term open access (LTOA).

Sri. Challa Gunaranjan, Advocate for petitioner, Sri Y. Rama Rao, Advocate for respondent Nos. 1 and 2 and Sri Mohammad Bande Ali, Law Attachee for respondent No. 3 have appeared through video conference. The counsel for the petitioner stated that the petition is filed allowing LTOA and an application for the said purpose was made to the concerned officer in the year 2019, but till date no response has been given in the matter. The petitioner intends to undertake third party sale. Earlier, the petitioner had sought for STOA and it was allowed intermittent spells till the year 2017. It is now stated that there is no technical feasibility. The competent authority is bound to decide the application on LTOA within the time specified, but the same had not been complied with as per the regulation.

The counsel for the petitioner stated that however, subsequent to the filing of the present petition, there are certain developments including the signing of an agreement by the parties. Therefore, the matter may be adjourned for short date. The representative of the respondent No. 3 stated that the statement made by the counsel for petitioner is in the process and he will be able to report by the next date of hearing. The counsel for respondent Nos. 1 and 2 agreed with the submissions of the representative for respondent No. 3. Accordingly, the matter is adjourned so as to enable the parties to confirm the status of the matter.

Call on 28.10.2021 at 11.30 A.M.

Sd/-  
Member

Sd/-  
Member

Sd/-  
Chairman

Case No.	Name of the Petitioner(s)	Name of the Respondent(s)
O. P. No. 3 of 2021 & I. A. No. 29 of 2017	M/s. REI Power Bazaar Private Limited	TSTRANSCO, TSDISCOMs & TSGENCO

Petition filed seeking to establish power market (power exchange) in the State of Telangana U/s 86 (1) (k) r/w Sec. 66 of the Act, 2003.

I. A. filed seeking to receive documents on file for consideration of the original petition.

Sri M. Abhinay Reddy, Advocate representing Sri P. Vikram, counsel for the petitioner and Sri. D. N. Sarma, OSD (Legal & Commercial) for the respondents have appeared through video conference. The advocate representing the counsel for petitioner stated that the petitioner needs further time for filing another interlocutory application. He is awaiting the papers after due signature from the party and therefore, the matter may be taken up next week. The Commission pointed out that the matter had been adjourned several times and therefore, the matter may be proceeded with. The advocate representing the counsel for petitioner stated that the adjournment of the case is necessary, as otherwise the petitioner will suffer irreparable loss.

The Commission having notice that there were several adjournments in the matter, agreed to adjournment on payment of costs. Accordingly, the matter is adjourned on payment of Rs. 10,000/- as costs to a nongovernment organization involved in social service, whose details will be furnished by the office of the Commission. The counsel for petitioner shall deposit the amount and communicate the details of payment to the office of the Commission. The matter stands adjourned.

Call on 28.10.2021 at 11.30 AM.

Sd/-  
Member

Sd/-  
Member

Sd/-  
Chairman

Case No.	Name of the Petitioner(s)	Name of the Respondent(s)
O. P. No. 26 of 2021	M/s. MSN Laboratories Private Limited	TSSLDC, TSTRANSCO & TSSPDCL

Petition filed seeking no objection certificate for procurement of power under STOA.

Sri S. Ravi, Senior Advocate representing Sri. Uma Shankar, Advocate for petitioner, Sri Y. Rama Rao, Advocate for respondent Nos.1 and 2 and Sri Mohammad Bande Ali, Law Attachee for respondent No. 3 have appeared through video conference. The senior advocate appearing on behalf of the counsel for petitioner stated that the matter is relating to refusal to grant short term open access. The licensee had refused the request of the petitioner on the ground that there is constraint in the corridor. It is contrary to the action of the licensees earlier. The petitioner has relied

on the order of this Commission in O. P. No. 25 of 2020 as also orders passed by the Hon'ble High Court and stated that the petitioner is entitled to the relief as prayed for. The counter affidavit filed on behalf of the respondent No. 3 merely reiterates the reply given by them at the time of refusal of open access. The same is uncalled for. The licensee cannot distinguish and discriminate between several companies.

The representative of respondent No. 3 stated that the judgment of the Hon'ble High Court as well as the order of the Commission are not relevant and not applicable to this case as the same were passed in the given set of circumstances. In this case, the petitioner has been informed clearly applying the technical principles as stated in its counter affidavit. The technical feasibility noticed in the case of the petitioner is that the licensee is constrained not to allow open access due to overloading of the corridor. The representative of the respondent No. 3 reiterated the contents of the counter affidavit.

The counsel for respondent Nos. 1 and 2 stated that apart from technicalities the matter has to be examined in the context of section 42 of the Electricity Act, 2003 and the mandate set out to this Commission and the other authorities. The respondents have to function within the purview of the statute and the regulations thereof. The counsel for the respondents stated that the Commission had provided the mechanism under which open access is to be allowed and as such, the respondents have acted in accordance with the same. They have also offered the reasons for refusing the STOA. Accordingly, the matter may be rejected.

The counsel for petitioner stated that the statute requires non-discriminatory open access, which is not seen in this case. Accordingly, having heard the submissions of the parties, the matter is reserved for orders.

Sd/-  
Member

Sd/-  
Member

Sd/-  
Chairman

Case No.	Name of the Petitioner(s)	Name of the Respondent(s)
R. P. (SR) No. 28 of 2017 in O. P. No. 26 of 2016	TSGENCO	TSDISCOMs & ESCOMs

Review petition filed seeking review of the order dated 05.06.2017 in O. P. No. 26 of 2016 passed by the Commission regarding determination of tariff for GENCO stations.

Dr, T. R. K. Rao, Director (Coal & Fuel) for review petitioner has appeared through video conference. The representative of the review petitioner stated that the issues raised in the review petition relate to determination of tariff for the control period FY 2014-2019. The review is sought in respect of depreciation, return on capital employed, interest, O & M expenses of hydel stations etc. It is stated that the Commission has not considered the submissions and relied on the parameters of the CERC regulation of the years 2004 and 2014. The review petitioner relied on the Hon'ble APTEL judgment in the matter of MERC decision relating to Maharashtra State Power Generation Company Limited. He also pointed out about the IDC in hydel stations. It is his case that ROCE was not considered based on net fixed assets at the beginning of FY in respect of new stations of TSGENCO as per TSERC regulation. A detailed power point presentation is also made during the hearing. Having heard the submissions, the matter is reserved for orders.

Sd/-  
Member

Sd/-  
Member

Sd/-  
Chairman

