

Record of proceedings dated 09.06.2021

Case No	Petition	Respondent
Case No. I. A. No. 13 of 2019 in O. P. No. 4 of 2013	M/s. VBC Ferro Alloys Limited	Vs. TSSPDCL & SE (O) Sangareddy TSSPDCL

Application filed seeking revisiting the conditions stipulated in the retail supply tariff order for FY 2013-14 for category of HT-I (b) consumers.

Sri Deepak Chowdary, Advocate representing Sri Challa Gunaranjan, Advocate for the applicant and Sri Mohammad Bande Ali, Law Attachee for respondents have appeared through video conference. The counsel for the applicant stated that he needs further time to file rejoinder in the matter for a period of two weeks. The representative of the respondents required them to serve a copy of the same as and when it is filed. The rejoinder shall invariably be filed on or before the next date of hearing duly obtaining acknowledgement of service to the respondents and filing the same before the Commission. Accordingly, the matter is adjourned.

Call on 15.07.2021 at 11.30 A.M.

Sd/-
Member

Sd/-
Member

Sd/-
Chairman

Case No	Petition	Respondent
Case No. I. A. No. 14 of 2019 in O. P. No. 4 of 2012	M/s. VBC Ferro Alloys Limited	Vs. TSSPDCL & SE (O) Sangareddy TSSPDCL

Application filed seeking revisiting the conditions stipulated in the retail supply tariff order for FY 2012 - 13 for category of HT - I (b) consumers.

Sri Deepak Chowdary, Advocate representing Sri Challa Gunaranjan, Advocate for the applicant and Sri Mohammad Bande Ali, Law Attachee for respondents have appeared through video conference. The counsel for the applicant stated that he needs further time to file rejoinder in the matter for a period of two weeks. The representative of the respondents required them to serve a copy of the same as and

when it is filed. The rejoinder shall invariably be filed on or before the next date of hearing duly obtaining acknowledgement of service to the respondents and filing the same before the Commission. Accordingly, the matter is adjourned.

Call on 15.07.2021 at 11.30 A.M.

Sd/- Member	Sd/- Member	Sd/- Chairman
Case No	Petition	Respondent
Case No. I. A. (SR) No. 28 of 2019 in O. P. No. 21 of 2017	M/s. VBC Ferro Alloys Limited	Vs. TSSPDCL & SE (O) Sangareddy TSSPDCL

Application filed seeking revisiting the conditions stipulated in the retail supply tariff order for FY 2018 - 19 for category of HT - I (b) consumers.

Sri Deepak Chowdary, Advocate representing Sri Challa Gunaranjan, Advocate for the applicant and Sri Mohammad Bande Ali, Law Attachee for respondents have appeared through video conference. The counsel for the applicant stated that he needs further time to file rejoinder in the matter for a period of two weeks. The representative of the respondents required them to serve a copy of the same as and when it is filed. The rejoinder shall invariably be filed on or before the next date of hearing duly obtaining acknowledgement of service to the respondents and filing the same before the Commission. The counsel for the petitioner shall inform the Commission and file a memo about continuing the proceedings before this Commission or the Hon'ble High Court where similar relief is sought in a writ petition by the applicant, by next date of hearing. Accordingly, the matter is adjourned.

Call on 15.07.2021 at 11.30 A.M.

Sd/- Member	Sd/- Member	Sd/- Chairman
Case No	Petition	Respondent
Case No. O. P. No. 71 of 2018	M/s. MSR Mega Bio- Power Private Limited	Vs. TSNPDCL

Petition filed seeking determination of tariff for the industrial waste power plant.

Sri Deepak Chowdary, Advocate representing Sri. Challa Gunaranjan, Advocate for petitioner and Sri. Mohammad Bande Ali, Law Attachee for respondent have appeared through video conference. The counsel for the petitioner sought further time to file a rejoinder in the matter and sought further time for two weeks for filing the same. The representative of the respondent stated that there is no requirement of rejoinder. The Commission pointed out that the respondent is agreeable for the prayer of the petitioner. However, the counsel for the petitioner stated that he needs to advert to certain aspects of tariff and also ascertain from the petitioner, whether it is required to argue the matter in view of the concession made by the respondent. The Commission made it clear that this will be the last adjournment and no further time will be given. Accordingly, the matter is adjourned.

Call on 28.06.2021 at 11.30 A.M.

Sd/-
Member

Sd/-
Member

Sd/-
Chairman

Case No	Petition	Respondent
Case No. O. P. No. 26 of 2020	M/s. Arhyama Solar Power Private Limited	Vs TSSPDCL, CGM (Revenue), SAO (Operation Circle), Sangareddy & SAO (Operation Circle), Medchal.

Petition filed seeking to punish the respondents No.1 to 4 for non-compliance of the order dated 17.07.2018 in O. P. No. 10 of 2017 passed by the Commission.

Sri Deepak Chowdary, Advocate representing Sri. Challa Gunaranjan, Advocate for the petitioner and Sri. Mohammad Bande Ali, Law Attachee of TSSPDCL for respondents have appeared through video conference. The counsel for petitioner stated that the respondents have neither stated nor informed about the implementation of the order of the Commission. He also stated that the DISCOM has approach the Hon'ble High Court and obtain order of stay of implementation of the order passed by the Commission. The representative of the respondents confirmed the statement of counsel for petitioner. In view of the position stated by the parties the matter is adjourned.

Call on 15.07.2021 at 11.30 A.M.

Sd/-
Member

Sd/-
Member

Sd/-
Chairman

Case No	Petition	Respondent
Case No. O. P. No. 9 of 2021	M/s. Madhucon Sugar & Power Industries Limited	Vs. TSNPDCL

Petition filed Seeking determination of the tariff and fixed cost in respect of 24.2 MW bagasse based cogeneration project.

Sri Deepak Chowdary, Advocate representing Sri. Challa Gunaranjan, Advocate for petitioner and Sri. Mohammad Bande Ali, Law Attachee of TSSPDCL for respondent have appeared through video conference. The counsel for the petitioner stated that the counter affidavit is yet to be filed in the matter. The representative of the respondents stated that the counter affidavit has been filed. The Commission pointed out that the counter affidavit has been filed and it is available in the record. At that point it directed the office to ensure filing of acknowledgement of service of counter affidavit and rejoinder. The matter is adjourned. The representative of the respondent shall ensure serving a copy on the petitioner of its counter affidavit immediately and the counsel for petitioner shall file a rejoinder if any without fail by next date of hearing.

Call on 28.06.2021 at 11.30 AM.

Sd/-
Member

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Member

Sd/-
Chairman

Case No	Petition	Respondent
Case No. O. P. No. 16 of 2017 & I. A. No. 25 of 2017	M/s. Sundew Properties Limited	Vs. TSSPDCL & TSTRANSCO

Petition filed seeking transfer of distribution assets falling within the area of SEZ area.

I. A. filed seeking directions to respondent No. 1 to disconnect the consumers pertaining to SPL's licence area and handover the assets to the petitioner and also

to the respondent No. 2 to grant transmission connectivity at 33 KV level on two Nos. of 33 KV SPL feeders.

Sri Kunal Kual, Advocate on behalf of J. Sagar Associates counsel for petitioner and Sri Mohammad Bande Ali, Law Attachee of TSSPDCL for the respondents has appeared through video conference. The counsel for the petitioner stated that time has been sought by the respondents for filing their response in the matter, but did not due so till date. The representative of the respondents stated that it needs further time to file the counter affidavit in the matter. The Commission while agreeing to the request of the respondents, require them to file the counter affidavit on or before 28.06.2021 duly serving the copy on counsel for the petitioner, either in physical form or by email. Likewise the counsel for petitioner shall file the rejoinder if any on or before 15.07.2021 duly serving the copy on counsel for the petitioner, either in physical form or by email. Therefore, the matter is adjourned.

Call on 15. 07.2021 at 11.30 A.M.

Sd/-
Member

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Member

Sd/-
Chairman

Case No	Petition	Respondent
Case No. O. P. No. 4 of 2021	M/s. Sundew Properties Limited	Vs. – Nil—

Petition filed seeking determination of tariff for the power procured by it / to be charged to your consumers with TSSPDCL tariff as the ceiling tariff.

Sri Kunal Kual, Advocate on behalf of J. Sagar Associates counsel for petitioner has appeared through video conference. The counsel for petitioner stated that this matter is connected to the earlier matter and has such may be posted on same date of hearing. Accordingly adjourned.

Call on 15.07.2021 at 11.30 A.M.

Sd/-
Member

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Member

Sd/-
Chairman

Case No	Petition	Respondent
Case No. O. P. No. 21 of 2016	Sri. Akthar Ahmed	Vs. CGRF - 2, ADE (O) Shamshabad, TSSPDCL, DE (O) & SE (O)

		TSSPDCL
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Petition filed questioning the action of DISCOM in not implementing the order of the CGRF and to punish the licensee U/s 142 of the Act, 2003.

Sri. N. Vinesh Raj, Advocate for the petitioner and Sri Mohammad Bande Ali, Law Attachee for the respondents have appeared through video conference. The counsel for petitioner stated that the respondents have filed writ petition before the Hon'ble High Court and the same is pending consideration. The same is confirmed by the representative of the respondent. The Commission noticed that the writ petition is likely to be scheduled for hearing in the year 2022. Therefore, the matter cannot be proceeded with, accordingly it is adjourned without any date.

Sd/- Member	Sd/- Member	Sd/- Chairman
Case No	Petition	Respondent
Case No. O. P. No. 7 of 2019	M/s. Prathmesh Solar Farms Private Limited	Vs. TSTRANSCO, M/s. Mytrah Agriya Power Private Limited, CGM (Comml & RAC) TSSPDCL

Petition filed questioning the action of the TSTRANSCO in allowing another project to utilize the facilities developed by the petitioner contrary to the regulations.

Smt. Swapna Seshadri, Advocate for the petitioner, Sri Y. Rama Rao, Advocate for respondent No. 1, Sri Nethan, Advocate representing Sri Avinash Deasi, Advocate for respondent No. 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 issue in the petition involves allowing another generator to use the transmission lines laid by the petitioner for evacuation of power generator by the said generator. The transmission licensee, distribution licensee and generator are made parties to this petition. The transmission licensee originally permitted the petitioner to lay the line from its power generating plant to the nearest substation to evacuate solar power generated by it. Subsequently respondent generator also established the solar project and was finding it difficult to lay the line due to right of way issue.

The counsel for petitioner stated that the respondent generator had requested the transmission licensee to allow it to string the line on the towers established by the petitioner to the extent of four towers. The transmission licensee on its part required the respondent generator to make an arrangement with the petitioner in the respect of four towers and inform them for according permission for stringing the line. The respondent generator approached the petitioner and accordingly after consultation the petitioner agrees to allow the respondent to string its transmission lines on the four towers required by it and to that effect agreement has been entered between petitioner and generator. Consequently the transmission licensee allowed the respondent generator to lay the line on the four existing towers of the petitioner to avoid any delay due to right of way issue to the respondent generator.

The counsel for petitioner stated that after lapse of certain time the respondent generator personnel have started laying the line on all the towers of the petitioner instead of the four tower which were agreed to between them. Even though the petitioner personnel warranted them to do so, but the work of laying the line was not stopped by them. This aspect has been brought to the notice of the transmission licensee, but no action was initiated. As no response has been received from the transmission licensee the petitioner was forced to register a police complaint about the illegal action of the respondent generator. Though FIR was registered no action came forth in the matter.

The counsel for the petitioner stated that thereafter it appears the respondent developer approached the transmission licensee for laying the line for entire stretch of 3.6 kms using the entire transmission towers of the petitioner. Thereupon the transmission licensee had allowed the respondent developer to proceed with the work in September 2018. The petitioner had no alternative but to approach the Commission.

The counsel for the petitioner stated that the Commission had in the year 2003 itself provided for the transmission line laying standards which were required to be followed, but the transmission licensee as well as the respondent generator failed to follow the same.

The counsel for the respondent sought adjournment in the matter. The Commission specifically sought to know about the sharing agreement of the line and permission accorded by transmission licensee. The counsel for counsel for respondent licensee sought to state that the clarification as required by the Commission have to be obtained from his party and he would like to place the same before the Commission on the next date of hearing. He also took the preliminary objection that the present petition is a dispute inter – se between the petitioner and respondent generator as such the respondent licensee cannot be dragged in to the litigation, as such the Commission is not the appropriate forum. The counsel for the respondent generator sought time for making submissions in the matter.

The counsel for the petitioner sought to emphasise that the transmission and distribution licensee should have adhered to safety norms and could not have left the issue to be handled by the private parties more particularly laying of the lines without even taking load relief and load shedding on the line.

Having noticed that the pleadings in the petition are complete, at the request of the counsel for the licensees and the counsel for the respondent generator, the matter is adjourned.

Call on 28.06.2021 at 11.30 A.M.

Sd/-
Member

Sd/-
Member

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Chairman

Case No	Petition	Respondent
Case No. O. P. No. 2 of 2020	M/s. Tejas India Solar Energy Private Limited	Vs. TSSPDCL & TSTRANSCO

Petition filed seeking directions to the respondents to synchronize the plant and consequently grant long term open access permission.

Sri. Abhinay Reddy, Advocate representing Sri P. Vikram, Advocate for petitioner and Sri Mohammad Bande Ali, Law Attachee for respondents have appeared through video conference. The counsel for the petitioner sought further time make submissions in the matter. The representative of the respondent has no objection. Accordingly, the matter is adjourned.

Call on 28.06.2021 at 11.30 A.M.

Sd/-
Member

Sd/-
Member

Sd/-
Chairman

Case No	Petition	Respondent
Case No. O. P. No. 6 of 2020	M/s. Satec Envir Engineering (India) Private Limited	Vs. TSSPDCL & Spl. Chief Secretary, Energy Department

Petition filed seeking extension of SCOD and granting time for completing the project.

Sri. P. Srinivasa Rao, Advocate for the petitioner and Sri Mohammad Bande Ali, Law Attachee for respondents have appeared through video conference. The counsel for the petitioner stated that the matter involves the extension of SCOD of the project. On the earlier date hearing the Commission directed the respondent licensee to place before it the proof of service of notice regarding termination of the agreement and invoking of bank guarantees. The respondent have filed a memo enclosing the letters issued in the year 2018 and in January 2020 along with postal acknowledgement cards. While the earlier letter was sent to the old address as mentioned in the PPA, the latest letter has been sent to the new address.

The counsel for petitioner stated that the petitioner had changed the address as also the electronic communication address for email. The notices purported to have been sent in both physical and electronic form have not been received by the petitioner. The proof filed by the respondent thus not disclosed the receiver's signature. Therefore, it cannot be said that proper service has taken place. The respondent initially sent the correspondence to the address in PPA and subsequently to the changed address. At this stage the counsel for petitioner made a concession that there is a mistake on part of the petitioner that it did not comply with the provisions of the PPA regarding intimation of change of address both physical and electronic form.

The counsel for petitioner however would endeavour to submit that the distribution licensee acted contrary to the provisions of PPA. While its initial notice was sent to the address in PPA, the subsequent notice after failing of the notice has been addressed the new address. This act of licensee speaks about the intention of the DISCOM. Moreover the DISCOM itself in its counter affidavit stated that it had

approached the Commission about extension of SCOD of the projects commissioned under bidding of 2015 but the said petition had not been taken up by the Commission. Having approached the Commission, it was not correct on part of the DISCOM to invoke bank guarantee and subsequently issue termination notice also. Thus mistake has occurred on both sides in the matter.

The counsel for petitioner relied on the judgement of the Hon'ble Supreme Court to emphasise that mere issuance of notice is no notice at all, but the said notice should actually be served on the person to whom it is issued. Reference is made to the judgement reported in AIR 1966 SE 330 between Sri K. Narasimhiah vs Sri H.C. Singri Gowda. He also relied on a judgement of 2018 about the said aspect. It is his case that the petitioner had originally filed the petition in the year 2018 and it met with return on two occasions in the year 2018 and also in the year 2019 due to procedural and filing defects. Ultimately the petition was filed on 09.07.2019. Though the matter could not have been taken up due to various reasons including absence of Members, the notice of the year 2020 cannot be pressed in to service as the matter in dispute has been seized by the Commission.

The counsel for petitioner stated that the issue of extension of SCOD has been decided by the Commission in several petitions and it has considered the same issue in a recent decision also which is filed along with the reply. It is the endeavour of the counsel for petitioner that change of address both physical and electronic form have not been communicated which is a mistake on part of the petitioner, but the changed address has been brought in to existence with communication to the Ministry of Micro Small and Medium Enterprises. After filing of the documents, he had require the petitioner to restore the earlier email address and verify whether any email has been received from DISCOM. According to the oral instructions no such mail on relevant dates had been received from the DISCOM.

Having submitted all the details the counsel for the petitioner would urge the Commission to consider allowing the petition. On other hand the representative of the respondent sought some more time to make submissions in the matter and also verify the applicability of the judgements relied upon by the petitioner.

In these circumstances, having heard the matter substantially, the petitioner and respondent shall complete the filing of the documents and replies by making available of the same either side with due acknowledgement filed before the Commission and the matter will be finally heard on next date of hearing. No further adjournment will be granted. Parties are at liberty to file written arguments by the next date of hearing.

Call on 28.06.2021 at 11.30 A.M.

Sd/-
Member

Sd/-
Member

Sd/-
Chairman

