

Record of proceedings dated 02.05.2022

Case No.	Name of the Petitioner(s)	Name of the Respondent(s)
R. P. No. 1 of 2022 in O. P. No. 29 of 2021	TSNPDCL	M/s. Gayatri Sugars Ltd.

Review petition filed seeking review of the order dated 02.06.2021 passed in O. P. No. 29 of 2021 passed by the Commission.

Sri K. Vijaya Kumar, SE / IPC (FAC) / TSPCC for the review petitioner and Sri Deepak Chowdary, Advocate representing Sri Challa Gunaranjan, Advocate for respondent are present. The representative of the petitioner stated that the review petitioner is seeking the modification of the order in view of the submissions made in the counter affidavit by reviewing the same. The advocate representing the counsel for respondent stated that the respondent filed counter in the matter and agreed to the suggestion made by the petitioner. In view of 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. 38 of 2020	M/s. Sri Ambika Steel Industries	TSSPDCL & its officers

Petition filed seeking penal action against the TSSPDCL and its officers for non-compliance of the directions given in the order dated 09.09.2021 by the Commission.

Sri M. Eshwardas, DE / IPC for respondents is present. There is no representation on behalf of the petitioner. The representative of the respondents stated that appeal has been filed before the Hon'ble ATE and the same is posted to 27.07.2022 before it. In view of the listing of the appeal to a new date, the matter is adjourned.

Call on 11.08.2022 at 11.30 A.M.

Sd/-
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Chairman

Case No.	Name of the Petitioner(s)	Name of the Respondent(s)
R. P. (SR) No. 93 of 2021 in O. P. No. 14 of 2020 & I. A. (SR) No. 94 of 2021	M/s. Ramky Enviro Engineers Ltd.	TSSPDCL

Review petition seeking to review of the order dated 18.04.2020 in O. P. No. 14 of 2020 (suo motu) regarding determination of generic tariff for RDF projects.

I. A. filed seeking condonation of delay in filing the review petition.

Sri Avinash Desai, Advocate for the review petitioner along with Sri Matrugupta Mishra, Advocate as well as Ms. Ishita Thakur, Advocate are present. The counsel for review petitioner stated that the petition is filed seeking review of the order dated 18.04.2020 determining the generic tariff in respect of RDF based projects. The main issue for seeking review is the condition imposed in the order relating to tipping fee that is paid by Grater Hyderabad Municipal Corporation (GHMC) to be reimbursed to the distribution company. He quoted extensively from the order passed by the Commission, the concession agreement entered by it with the GHMC and the applicable provisions under the Electricity Act, 2003 (Act, 2003).

The counsel for petitioner stated that the petitioner had established separate special purpose vehicle (SPV) to undertake generation of electricity from the waste energy plant to be established by the SPV. The concession agreement allowed for disposal of the solid waste and consequent sale of products to any one at any price including power generated by the petitioner through SPV. He stated that for undertaking production of RDF it collects waste from the various parts of the city Hyderabad and undertakes process of the same by converting it to various products. The collection of waste is undertaken in three stages that is primary collection, secondary collection and transformation to various products including RDF. For collection and disposal of the waste generated by the GHMC, it is paying a fee known as 'tipping fee' and this fee is being paid by GHMC for the last ten years approximately. The GHMC itself should have removed the waste and disposed of the same scientifically, but due to its inability it has entrusted the task to the petitioner. Therefore, it is paying the said fee.

The petitioner in the process of producing several products has also established a power generating unit as mentioned earlier in the form of SPV. The energy generated by the said SPV is being supplied to DISCOM. The SPV has separately entered into an agreement for supply of power. The generation of electricity has taken place only in the past two years, whereas production RDF was much earlier.

The counsel for petitioner stated that the Commission had passed orders determining the tariff for RDF based projects and included the condition that the tipping fee paid by GHMC shall be reimbursed to the DISCOM. The review petitioner had obtained loans on the basis of the concession agreement and payment of tipping fee only. The tipping fee which is paid to the review petitioner by the GHMC cannot be part of the tariff as the said amount is the basis of viability of the RDF producer, as the amount is considered by the lenders for extending huge amount as loan. The tipping fee cannot be treated as part of tariff.

The counsel for petitioner relied on the preamble to the Act, 2003, section 61 and 86 (1) (a) & (e) thereof. It is his case that the tipping fee cannot be treated as production cost of generation of electricity as the said amount is not being paid to the generator but to the review petitioner, who is producing RDF, which is one of the products of waste that is being collected and processed. He also explained as to what is meant by tipping fee. The loan component as far as generation of power is not related to the loan component availed by the review petitioner. It is his case that the Act, 2003 mandates recovery of charges for generation and supply of electricity economically to the consumers, but at the same time also mandates promotion of renewable sources of energy by following environmentally benign policies.

The counsel for petitioner would endeavour to submit that the Commission included tipping fee as part of the tariff and also imposed a condition of reimbursing the same to the licensee. However, the licensee is seeking to recover the same upfront even without the same being paid by the GHMC. There will be time lag between payment by GHMC and reimbursement by the SPV of the review petitioner. The licensee is estopped from invoking the provisions of the PPA, which is the subject matter of the other petition before the Commission in O. P. No. 1 of 2022. The Commission is required to re-examine the said aspect and modify the order suitably so as to avoid the burden of tipping fee on the generator and consequently on the petitioner. The tipping fee itself is not a cost involved in the production of electricity.

The counsel for petitioner stated that the Commission may consider admitting the review petition by condoning the delay in the filing review petition and issue notice to the respondent. The Commission considered the submission with regard to

condoning the delay in filing the review petition and is of the view that the delay can be condoned in view of the orders of the Hon'ble Supreme Court extending the period of limitation in filing the review petition. Accordingly the application filed for condoning the delay in filing the review petition is allowed.

The Commission also considered the submission, but it is appropriate to admit the review petition. Accordingly, the same is admitted, issue notice to the respondent. The matter is adjourned and the respondent shall file its counter affidavit or submissions in the matter on or before 30.05.2022 duly serving a copy of the same to the review petitioner either physically or through email. The review petitioner is at liberty to file its rejoinder, if any on or before 15.06.2022 duly serving a copy of the same to the respondent either physically or through email.

Call on 02.07.2022 at 11.30 A.M.

Sd/-
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Member

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Chairman

Case No.	Name of the Petitioner(s)	Name of the Respondent(s)
O. P. No. 1 of 2022 & I. A. No. 1 of Of 2022	M/s. Hyderabad MSW Energy Solutions Pvt. Ltd.	TSSPDCL

Petition seeking to quash notice dated 16.07.2021 issued by the respondent seeking reimbursement of the tipping fee from the petitioner.

I. A. filed seeking ex parte ad-interim stay of the operation of the notice dated 16.07.2021 issued by the respondent seeking reimbursement of the tipping fee from the petitioner.

Sri Avinash Desai, Advocate for petitioner along with Sri Matrugupta Mishra, Advocate as well as Ms. Ishita Thakur, Advocate and Sri K. Vijaya Kumar, SE / IPC (FAC) / TSPCC for respondent are present. The counsel for petitioner stated that the counter affidavit as well as rejoinder is filed by the parties. The rejoinder filed by the petitioner is not received. He also stated that authorized representative is out of station and therefore, the matter may be adjourned. Accordingly, the matter is adjourned.

Call on 02.07.2022 at 11.30 A.M.

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Chairman

Case No.	Name of the Petitioner(s)	Name of the Respondent(s)
O. P. No. 21 of 2022	M/s. Rain Cements Limited	TSTRANSCO & TSSPDCL

Petition filed seeking directions to the respondents to treat its WHRS plant as renewable source.

Sri Deepak Chowdary, Advocate representing Sri Challa Gunaranjan, advocate for petitioner is present. There is no representation for respondents. The counsel for petitioner stated that the necessary application for filing documents is being filed today by undertaking the route of interlocutory application, which has to be processed. The officer present on behalf of the TSSPDCL has stated that the authorized representative is on long leave, hence the matter may be adjourned. In view of the request made by the counsel for petitioner, the matter is adjourned.

Call on 27.06.2022 at 11.30 A.M.

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Chairman

Case No.	Name of the Petitioner(s)	Name of the Respondent(s)
O. P. No. 25 of 2021	M/s. Singareni Collieries Company Ltd.	TSDISCOMs

Petition filed seeking adjudication on the secondary billing disputes for FY 2016-19 for 2 X 600 MW Jaipur project.

Sri. D. N. Sarma, OSD (Legal & Commercial) for the respondents is present. There is no representation on behalf of the petitioner. The representative of the respondents stated that the connected is already reserved for orders. The matter may be adjourned for enabling appearance of the counsel for petitioner. Accordingly, the matter is adjourned.

Call on 23.05.2022 at 11.30 AM.

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Chairman

Case No.	Name of the Petitioner(s)	Name of the Respondent(s)
O. P. No. 24 of 2021	M/s. Prashanth Narayan G (PNG)	TSSPDCL & TSTRANSCO

Petition filed seeking the energy generated fed into the grid for the period before open access as deemed purchase of licensee or pay for the same.

Sri Deepak Chowdary, Advocate representing Sri Challa Gunaranjan, counsel for the petitioner and Sri M. Eshwardas, DE / IPC for respondents are present. The counsel for petitioner stated that the rejoinder is already filed and a copy of the same is given to the respondents. The matter may be taken up for hearing on any other date. The officer present on behalf of the respondents stated that the authorized representative of the respondents is on long leave and hence sought adjournment of the matter. Accordingly, the matter is adjourned.

Call on 27.06.2022 at 11.30 AM.

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Chairman