

### Record of proceedings dated 17.01.2022

Case No.	Name of the Petitioner(s)	Name of the Respondent(s)
O. P. No. 32 of 2015 & I. A. No. 5 of 2015	M/s. Tata Power Trading Company Ltd.	TSDISCOMs, APSPDCL, APEPDCL and APPCC

Petition filed seeking questioning the illegal, unilateral and wrongful deduction of Rs. 9,72,00,000/- and Rs. 96,48,000/- towards illegal compensation claim for supply of short term power.

I. A. filed seeking release of Rs. 9,72,00,000/- and Rs. 96,48,000/- in lieu of bank guarantee for corresponding amounts.

Sri M. Ramakanth, Advocate for petitioner and Sri D. N. Sarma, OSD (Legal and Commercial) for respondents have appeared through video conference. The counsel for petitioner stated that the matter, which is pending before the Hon'ble High Court, is not listed so far and he is taking steps for listing the matter for hearing. Therefore, sufficient time may be given for arguing the matter. Accordingly, the matter is adjourned.

Call on 25.04.2022 at 11.30 A.M.

Sd/-  
Member

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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. 20 of 2016 & I. A. No. 13 of 2016	M/s. Sugna Metals Limited	DE (Operation) TSSPDCL & its officers

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.

I. A. filed seeking interim orders not to disconnect the power supply pending disposal of the original petition.

Sri N. Vinesh Raj, advocate for petitioner and Sri Mohammad Bande Ali, Law Attachee for respondents have appeared through video conference. The counsel for petitioner stated that he will submit arguments on another date. The representative of the licensee has stated that the matter has underwent several adjournments, the counsel for petitioner may argue the matter today and if required, the Commission

may consider the adjournment. In view of the submission of the counsel for petitioner that he needs time for submitting the arguments, the matter is adjourned.

Call on 31.01.2022 at 11.30 A.M.

Sd/-  
Member

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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. 27 of 2016	M/s. Sugna Metals Limited	DE (O) Vikarabad TSSPDCL & its officers

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 petitioner and Sri Mohammad Bande Ali, Law Attachee for respondents have appeared through video conference. The counsel for petitioner stated that the DISCOM has obtained the stay of the order of the Vidyuth Ombudsman and as such, the matter may be adjourned. The representative of the licensee has stated that the licensee obtained orders of the Hon'ble High Court and as such, the matter cannot be proceeded with. In view of the given situation about the orders of the Hon'ble High Court, the matter is adjourned.

Call on 18.04.2022 at 11.30 A.M.

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Member

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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. 70 of 2018	M/s. Sugna Metals Limited	TSSPDCL & its officers

Petition filed seeking directions to readjust the open access demand and to punish the licensee for not refunding the excess amount collected towards charges.

Sri N. Vinesh Raj, advocate for petitioner and Sri Mohammad Bande Ali, Law Attachee for respondents have appeared through video conference. The counsel for petitioner stated that the issue is relating to calculation of maximum demand while billing for the power drawn from the DISCOM as well as under open access facility. The licensee is calculating the RMD for levying penalty for exceeding the CMD contrary to the proceedings issued by the Commission. The Commission had, in its proceedings, earlier provided that the excess RMD from the drawl of the DISCOM power shall be arrived at after deducting the total open access purchase from RMD

availed by the consumer. In order to demonstrate the lapses on the part of the licensee, the counsel for petitioner waded through various figures and data regarding consumption of energy by the petitioner for different dates as also billing done by the licensee.

The counsel for petitioner while recording his appreciation for explaining the methodology by the officers of the DISCOM sought to rely on the various parameters required to be considered for billing of the energy availed by the petitioner. He has explained in detail the various aspects of the calculations involved therein with the help of several bills and tables. It is his case that the open access draws have to be subtracted from the total RMD before arriving at the demand availed from the DISCOM and that thereby any excess demand would constitute the excess RMD, which will attract penalty.

The counsel for petitioner stated that the licensee is acting contrary to the directions of the Commission. Instead of deducting the open access draws from the total RMD, the DISCOM is deducting the CMD availed from the RMD, seeking to claim penal charges on the excess of energy availed over the CMD, as it is actually open access drawl, which is contrary to the directions of the Commission.

The representative of the respondents as also the officer of the licensee sought to controvert the submissions of the petitioner. It is their case that the excess RMD is arrived at after taking into consideration of the total time blocks available in a month and after deducting the open access draws from the RMD, the excess CMD is arrived at and for such excess CMD only, the bill is done and penalty is levied thereof. The officer of the licensee sought to present the detailed explanation with reference specific figures applicable to the RMD, CMD and open access draws with the help of several tables that are filed before the Commission. He also stated that the licensee is strictly adhering to the orders of the Commission in calculating the excess RMD and levy of penalty also.

The representative of the respondents has drawn reference to the contentions in the counter affidavit as also the proceedings referred to by the petitioner in support of its case to explain the modus of arriving at the excess RMD and thereby the

penalty, if any. He stoutly refuted the contention of the petitioner that the licensee is not following the directions of the Commission.

The counsel for petitioner stated that the interpretation sought to be given by the licensee to the proceedings of the Commission is erroneous and the Commission may take a view on the same. At this stage, the Commission also explained the intention of the proceedings that excess RMD is arrived at only after deducting the open access draws. However, it was made clear that the detailed examination will be done with reference to the contentions made by the parties.

Having heard the arguments of the parties, the matter is reserved for orders.

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Chairman

Case No.	Name of the Petitioner(s)	Name of the Respondent(s)
O. P. No. 16 of 2017 & I. A. No. 25 of 2017	M/s. Sundew Properties Limited	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 Abhishek, advocate representing M/s. J. Sagar Associates, counsel for petitioner and Sri Mohammad Bande Ali, Law Attachee for respondents have appeared through video conference. The advocate representing the counsel for the petitioner stated that the petitioner is required to operationalize the deemed distribution license accorded to it. For that purpose, it needs the distribution network alongwith feeders for undertaking power supply within the area of the distribution license given to it. As such, the present petition is filed seeking to give directions to the subsisting licensee to handover the distribution assets falling within the area of the special economic zone, which is recognized as a distribution licensee by the Commission under the Electricity Act, 2003.

In order to appreciate the issue, the advocate representing the counsel for petitioner has shown the map and the location of the assets that are required to be transferred to it. He also explained how the power supplies is being done in the area and what would happen upon transfer of the assets by the existing licensee. It is his case that the petitioner would maintain the assets so transferred to it for undertaking power supply and extend supply to various entities within its area. It is also his case that power supply has to be drawn by it from the distribution network only and cannot be received from the transmission network in its case.

The advocate representing the counsel for petitioner has endeavoured to state that he prepared to argue the contentions made thereof, but it is his proposal to discuss the same with the existing licensee for arriving at mutually acceptable solution. For that purpose, it intends to place on record the proposals before the respondents through proper correspondence. Even otherwise, he has relied on the provisions of the terms and conditions of supply relating to service line charges, service line and distribution network.

The representative of the respondents agreed to the proposal of the petitioner for discussing the matter at a mutually convenient date in the presence of concerned officers. The Commission also expressed its support for such an action before it could undertake comprehensive hearing in the matter. Both the representative sought for another date for arriving at a solution and submitting the same to the Commission. Keeping in view of the proposals and request of the parties, the matter is adjourned.

Call on 18.04.2022 at 11.30 AM.

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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. 4 of 2021	M/s. Sundew Properties Limited	— None—

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

Sri Abhishek, advocate representing M/s. J. Sagar Associates, counsel for petitioner has appeared through video conference. The advocate representing the counsel for

the petitioner stated that the matter is connected with O. P. No. 16 of 2017 and accordingly, the same may be adjourned. Accordingly, the matter is adjourned.

Call on 18.04.2022 at 11.30 AM.

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Chairman

Case No.	Name of the Petitioner(s)	Name of the Respondent(s)
O. P. No. 52 of 2021	M/s. Suraj Kiran Solar Technologies Pvt. Limited	TSSPDCL & its officer

Petition filed seeking extension of SCOD and consequently refund of penalty.

Sri P. Pavan Kumar Rao, Advocate for petitioner and Sri Mohammad Bande Ali, Law Attachee for respondents have appeared through video conference. The counsel for the petitioner stated that he is ready to argue the matter and need to submit his version of the case. The representative of the respondents stated that the respondent have already filed the counter affidavit and therefore, the matter may be adjourned so as to make submissions in the matter. The counsel for petitioner has stated that he is not in receipt of the counter affidavit filed by the respondents so far. However, he has insisted for hearing the matter. However, the Commission pointed out as the counter affidavit is filed, it may be appropriate to hear the matter at a later date after service of the counter affidavit to the petitioner. As the counsel for petitioner stated that SCOD had been extended by the government, there is urgency for hearing the matter, the matter is adjourned to a short date.

Call on 31.01.2022 at 11.30 AM.

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Member

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Chairman

Case No.	Name of the Petitioner(s)	Name of the Respondent(s)
O. P. (SR) No. 57 of 2021 & I. A. No. 58 of 2021	M/s. Halo Energies Private Limited	TSSPDCL & its officers

Petition filed seeking to question the levy of cross subsidy surcharge towards the power drawn by its consumers.

I. A. filed seeking direction to the respondents not to deduct or recover CSS from the bills of its consumers pending disposal of the main petition.

Ms. Himangini Sanghi, Advocate representing M/s. R. S. Associates, counsel for petitioner has appeared through conference. The counsel for petitioner stated that necessary application had been made for withdrawal of the writ petition before the Hon'ble High Court. The said application was also numbered, but it has not been listed for the reason that the Hon'ble High Court was in Sankaranthi vacation. The matter may be adjourned to any other date and in the meantime the petitioner will obtain orders on the withdrawal application. Accordingly, the matter is adjourned.

Call on 18.04.2022 at 11.30 A.M.

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Chairman

Case No.	Name of the Petitioner(s)	Name of the Respondent(s)
O. P. (SR) No. 8 of 2021 & I. A. (SR) No. 9 of 2021	M/s. Sneha Renewable Energies Ltd.	Prl. Secretary to GoTS, Energy Dept., TSSPDCL & TSTRANSCO

Petition filed seeking directions to enter into PPA by fixing tariff at Rs. 5/- per unit.

I. A. filed seeking interim directions to purchase power from the petitioner on payment of average pooled purchase costs till the disposal of the petition.

Ms. Lakshmi, Advocate for petitioner has appeared through video conference. The counsel for petitioner has stated that she needs to file some more judgments in the matter and therefore sought further time of one week. The Commission, while pointing out that the matter has to be proceeded with, however, granted time as requested by the counsel for petitioner.

Call on 31.01.2022 at 11.30 A.M.

Sd/-  
Member

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Member

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Chairman