

### Record of proceedings dated 09.01.2023

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 are present. The counsel for petitioner stated that the matter before the Hon'ble High Court is not yet decided. Therefore, adjournment may be granted for a longer period. The representative of the respondents did not oppose the same. Accordingly, the matter is adjourned.

Call on 24.04.2023 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. 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 T. G. Rajesh Kumar, advocate representing M/s. J. Sagar Associates, counsel for petitioner and Sri Mohammad Bande Ali, Law Attachee for respondents are present. The advocate representing the counsel for the petitioner stated that though the

Commission required parties to conciliate in the matter, they could not arrive at solution. In fact, they have communicated their view that they are not accepting any proposal made by the petitioner. Accordingly, the matter has to be argued, for which a date may be given. In these circumstances, the matter is adjourned.

Call on 04.04.2023 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. 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 T. G. Rajesh Kumar, Advocate representing M/s. J. Sagar Associates, counsel for petitioner is present. 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. Therefore, the matter is adjourned.

Call on 04.04.2023 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. 74 of 2022	M/s. Dinkar Technologies Private Limited	TSSPDCL

Petition filed seeking extension of SCOD and consequential reliefs.

Ms. Meghna Sarma, Advocate for petitioner and Sri Mohammad Bande Ali, Law Attachee for respondents are present. The counsel for petitioner stated that the senior counsel appearing in the matter is unable to argue the matter due to preoccupation before the Hon'ble High Court. Hence, the matter may be adjourned. The representative of the respondents stated that the matter is similar to an order passed by the Commission in the matter of M/s. Surajkiran Limited. The counsel for petitioner has opposed the same and pointed out that there are some distinctions between both the cases. In view of the request of the counsel for petitioner, the matter is adjourned.

Call on 04.04.2023 at 11.30 AM.

Sd/-  
Member

Sd/-  
Member

Sd/-  
Chairman

Case No.	Name of the Petitioner(s)	Name of the Respondent(s)
R. P. No. (SR) 65 of 2022 in O. P. Nos. 58 & 59 of 2021	Telangana Ferro Alloys Producers Association	TSDISCOMs

Review Petition filed seeking review the order dated 23.03.2022 passed in O. P. Nos. 58 & 59 of 2021 by the Commission.

Sri. G. Arun Kumar, Advocate representing Sri M. A. Haroon Amjad, Advocate for review petitioner is present. The advocate representing the counsel for review petitioner sought to explain the matter. However, the Commission pointed out that the review petition is coming up for argument on the issue of maintainability. The advocate representing the counsel for review petitioner stated that he needs time to argue the matter on the lines as required by the Commission. In view of the request of the advocate representing the counsel for review petitioner, the matter is adjourned.

Call on 04.04.2023 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. (SR) 101 of 2022	M/s. Mahaveer Ferro Alloys	TSSPDCL& its officers

Petition filed seeking declaration of claim of development charges along with interest on restoration of CMD and consequential relief including punishing the respondents.

Ms. Nishtha, Advocate for petitioner is present. The advocate representing the counsel for petitioner stated that the issue arises in respect of wrong application of the provisions of the Electricity Act, 2003 and the regulations including guidelines issued by the Commission. No doubt collection of development charges is an issue seized up by the Hon'ble High Court, but it pertains to levy of the same for the first time and this case does not involve such situation. Though, the petitioner is a subsisting consumer, because of initiating revival proceedings, the unit is getting revived and therefore, sought restoration of power supply to which request, the

respondents are demand payment of development charges again by treating it as a fresh connection.

The advocate representing the counsel for petitioner stated that sections 43, 45 and 86 (1) (a) of the Act, 2003 emphasize that the licensee has to collect only such charges as have been determined by the Commission and no others. Also, there is no provision in the above stated sections or in the regulations notified by the Commission that the units being revived under the sick industry policy are to be treated as fresh service connection and mulcted with development charges again. Further, the Commission itself in its communication (issued by the then APERC) did specifically required certain things to be followed in case of sick industries, however, did not mention the aspect of development charges.

Thus, the petitioner is entitled to the relief of exemption from payment of development charges. This Commission being the authority to determine the tariff and other charges is required to entertain this petition and decide the same on merits. The Commission may consider admitting the matter and issuing notice to the respondents in respect of the specific issue of levy of development charges for the second time, which is contrary to the provisions of the Act, 2003 and regulations thereof. Having heard the submissions of the advocate representing the counsel for petitioner, the matter is reserved for orders on maintainability.

Sd/-  
Member

Sd/-  
Member

Sd/-  
Chairman

Case No.	Name of the Petitioner(s)	Name of the Respondent(s)
O. P. No. (SR) 107 of 2022	M/s. Sai Ram Krishna Minoral & Projects	TSNPDC& its officers

Petition filed seeking declaration of claim of development charges along with interest on restoration of CMD and consequential relief including punishing the respondents.

Ms. Nishtha, Advocate for petitioner is present. The advocate representing the counsel for petitioner stated that the issue arises in respect of wrong application of the provisions of the Electricity Act, 2003 and the regulations including guidelines issued by the Commission. No doubt collection of development charges is an issue seized up by the Hon'ble High Court, but it pertains to levy of the same for the first time and this case does not involve such situation. Though, the petitioner is a

subsisting consumer, because of initiating revival proceedings, the unit is getting revived and therefore, sought restoration of power supply to which request, the respondents are demand payment of development charges again by treating it as a fresh connection.

The advocate representing the counsel for petitioner stated that sections 43, 45 and 86 (1) (a) of the Act, 2003 emphasize that the licensee has to collect only such charges as have been determined by the Commission and no others. Also, there is no provision in the above stated sections or in the regulations notified by the Commission that the units being revived under the sick industry policy are to be treated as fresh service connection and mulcted with development charges again. Further, the Commission itself in its communication (issued by the then APERC) did specifically required certain things to be followed in case of sick industries, however, did not mention the aspect of development charges.

Thus, the petitioner is entitled to the relief of exemption from payment of development charges. This Commission being the authority to determine the tariff and other charges is required to entertain this petition and decide the same on merits. The Commission may consider admitting the matter and issuing notice to the respondents in respect of the specific issue of levy of development charges for the second time, which is contrary to the provisions of the Act, 2003 and regulations thereof. Having heard the submissions of the advocate representing the counsel for petitioner, the matter is reserved for orders on maintainability.

Sd/-  
Member

Sd/-  
Member

Sd/-  
Chairman

Case No.	Name of the Petitioner(s)	Name of the Respondent(s)
O. P. No. (SR) 108 of 2022	M/s. Sheetal Shipping & Metal Processor Limited	TSSPDCL& its officers

Petition filed seeking declaration of claim of development charges along with interest on restoration of CMD and consequential relief including punishing the respondents.

Ms. Nishtha, Advocate for petitioner is present. The advocate representing the counsel for petitioner stated that the issue arises in respect of wrong application of the provisions of the Electricity Act, 2003 and the regulations including guidelines issued by the Commission. No doubt collection of development charges is an issue

seized up by the Hon'ble High Court, but it pertains to levy of the same for the first time and this case does not involve such situation. Though, the petitioner is a subsisting consumer, because of initiating revival proceedings, the unit is getting revived and therefore, sought restoration of power supply to which request, the respondents are demand payment of development charges again by treating it as a fresh connection.

The advocate representing the counsel for petitioner stated that sections 43, 45 and 86 (1) (a) of the Act, 2003 emphasize that the licensee has to collect only such charges as have been determined by the Commission and no others. Also, there is no provision in the above stated sections or in the regulations notified by the Commission that the units being revived under the sick industry policy are to be treated as fresh service connection and mulcted with development charges again. Further, the Commission itself in its communication (issued by the then APERC) did specifically required certain things to be followed in case of sick industries, however, did not mention the aspect of development charges.

Thus, the petitioner is entitled to the relief of exemption from payment of development charges. This Commission being the authority to determine the tariff and other charges is required to entertain this petition and decide the same on merits. The Commission may consider admitting the matter and issuing notice to the respondents in respect of the specific issue of levy of development charges for the second time, which is contrary to the provisions of the Act, 2003 and regulations thereof. Having heard the submissions of the advocate representing the counsel for petitioner, the matter is reserved for orders on maintainability.

Sd/-  
Member

Sd/-  
Member

Sd/-  
Chairman