

Record of Proceedings dated 05.06.2017

O. P. No.2 of 2015

M/s ITC Limited (Paper Boards and Specialty Paper Division, Secunderabad Vs
TSLDC & TNREDCL

Petition filed u/s 86 (1) (e) of the Electricity Act, 2003 seeking direction to the SLDC to give accreditation to the petitioner's renewable energy project

There is no representation on behalf of the petitioner. Sri Y. Rama Rao, Standing Counsel for the respondents is present. He stated that the Commission is not required to consider the case of the petitioner, as it is not satisfying the requirement of 15% of usage of conventional fuel. The petitioner is exceeding the same by another 30%. Further the benefit of usage of 15% of conventional fuel was allowed for the reason that earlier the boiler technology did not support the combustion of fuels other than coal and water, therefore, the other fuels like biomass and bagasse were mixed with coal for generation of power. Now the boilers have been up graded technically and would sustain non-conventional fuels including the petitioner's black liquor. At present this exemption is also not available under the guidelines of MNRE from 01.04.2017.

He also brought to the notice of the Commission that similar case was filed before APERC and the same has been rejected by the said Commission.

The Commission having noticed that there were directions to the parties about the examination of the issue in other States as submitted earlier and that there being no representation, adjourned the matter. The adjournment is also for the reason that the issue needs further examination and therefore, adjourned without giving any date.

Sd/-
Member

Sd/-
Chairman

O. P. No.3 of 2015

M/s. Geo Syndicate Power Pvt. Ltd. vs TSNPDCL

Petition seeking determination of tariff for the supply of electricity generated from geothermal energy to respondent (APNPDCL now TSNPDCL) pursuant to Section 62, 64, 86.1 (a), 86.1 (b) and other applicable provisions of the Electricity Act, 2003.

Sri. G. Kuleswara Reddy, Advocate on behalf of Sri. Hanmanth Reddy, Counsel for the petitioner and Sri. Y. Rama Rao, Standing Counsel for the respondents are

present. The advocate for the petitioner stated that the counsel on record is unable to attend the hearing as he is out station. He is not in a position to explain the case and seeks adjournment. On the other hand, the standing counsel expressed a view that the Commission already directed the petitioner to place before it a comprehensive report for undertaking for determination of tariff, which is not done till date. Even otherwise at the rate proposed by the petitioner, the DISCOMs are not inclined to procure the said power. Therefore, the Commission may decide the matter.

The Commission having considered the request of the advocate, adjourned the matter without giving any date.

Sd/-
Member

Sd/-
Chairman

O. P. No. 6 of 2015
And
I. A. No. 28 of 2015

M/s Rithwik Power Projects Limited vs TSNPDCL

Petition filed seeking directions to the Licensee for payment of tariff for the additional capacity of 1.5 MW at the rate being paid to existing 6 MW power plant.

Filed an I.A seeking to amend the title in the original petition.

There is no representation on behalf of the petitioner. Sri. Y. Rama Rao, Standing Counsel for the respondent is present. The counsel for the respondent stated that the Commission had already directed the petitioner to take steps to enter into PPA and that no adjournment will be given on the next date of hearing.

The Commission having considered the request of the advocate, adjourned the matter without giving any date.

Sd/-
Member

Sd/-
Chairman

O. P. No. 32 of 2015
And
I. A. No. 05 of 2015

M/s Tata Power Trading Company Ltd. vs DISCOMS and APTRANSCO

Petition seeking the illegal and wrongful deductions towards illegal compensation claim for supply of short term power. IA filed by the petitioner seeking directions for

release of the amounts on productions of bank guarantee pending disposal of the main OP.

I. A. seeking interim directions.

There is no representation on behalf of the petitioner. Sri. Y. Rama Rao, Standing Counsel for the respondents is present. He stated that the matter involves jurisdiction issue, for which a finding has been given by the Commission by order dated 31.10.2016 in O. P. No. 25 of 2015 and batch. The said finding is subjudice before the Hon'ble High Court of Hyderabad for the States of Telangana and Andhra Pradesh. He also stated that in the transfer petitions filed by M/s. GMR Vemagiri Power Generation Limited, the Hon'ble Supreme Court required the Hon'ble High Court to hear and dispose of the writ petitions pending before it within a period of six months from 20.04.2017. He informed the Commission that a specific mention was made before the Hon'ble High Court for taking of the matters pending before it, however, the Hon'ble High Court declined to consider the request, however, a further mention is likely to be made by the counsel for the petitioners before the Hon'ble High Court for fixing a date during the course of this week. Therefore, he requested the Commission to adjourn the matter by six months, or else give liberty to the licensees to file an application for hearing as soon as the Hon'ble High Court disposes the matters pending before it.

The Commission having considered the submissions of the counsel for the respondent, adjourned the matter without giving any date.

Sd/-
Member

Sd/-
Chairman

O. P. No. 34 of 2015
And
I. A. No. 17 of 2015
and
I. A. No. 17 of 2017
and
I. A. No. 18 of 2017

Indian Wind Power Association vs NEDCAP, APCPDCL & APTRANSCO

Petition seeking issuance of regulation for determination of RE Tariff based on CERC terms and conditions for tariff determination from renewable sources regulation dated 16.09.2009 for procurement of wind energy by distribution licensee.

I. A. No. 17 of 2015 seeking to implead the petitioners as party / respondents in I. A. No. 17 of 2015

I. A. No. 17 of 2017 seeking the petitioners in I. A. No. 17 of 2015 to amend the title in I. A. No. 17 of 2015 and substitute new parties as respondents in it.

I. A. No. 18 of 2017 seeking to amend the title to the original petition by substituting the respondents No. 4 to 6 in place of respondents No. 1 to 3.

Sri. Sailendra, Co-ordinator of the petitioner association and also the representative of M/S. Mytrah Power Energy, Sri T. Srinivasulu, Project Director for TNREDCL and Sri. Y Rama Rao, Standing Counsel for the respondents are present. The representative of the association stated that the counsel for the petitioner is unable to attend the hearing due to ill-health and therefore, the same may be adjourned to another date. He also requested the Commission to proceed in the matter despite the fact that there is no policy as yet, as tariff determination is not linked to policy.

To a particular question about leaving the tariff to competitive bidding price discovery, he stated that nothing stops the Commission from determining the tariff but it could be used only as a ceiling tariff. Some other Commissions have already determined the tariff as such for wind projects. On the question of disposing of the petition in as various condition without any orders and giving liberty for filing fresh petition after the policy is announced by the government, the representative replied in the negative.

The standing counsel for the respondents pointed out that the national tariff policy requires bidding process to be adopted in renewable energy also.

The Commission having regard to the several factors, which are not enabling it to proceed further in the matter, has adjourned the hearing without indicating any date.

Sd/-
Member

Sd/-
Chairman

O. P. No. 35 of 2015

And

I. A. No. 19 of 2017

M/s Axis Wind Energy Limited & 6 others vs GoAP & 6 others

Petition seeking framing guidelines determining evacuation policy and wheeling charges for captive generation or sale to third parties.

I. A. seeking amendment the title shown in the petition by deleting respondents No. 5 & 6 and adding Respondents No. 8 to 10.

There is no representation on behalf of the petitioner. Sri. Y. Rama Rao, Standing Counsel for the respondents is present. The representative of the petitioner in O. P. No. 34 of 2015 has stated that the counsel appearing for the petitioner in this case is unable to attend the hearing, therefore, the same may be adjourned.

In view of the adjournment of similar matter, the Commission adjourned this matter also without giving any date.

Sd/-
Member

Sd/-
Chairman

O. P. No. 36 of 2015

DISCOMS vs M/s GMR Vemagiri Power Generation Ltd.

Petition filed by the petitioners requesting the commission to ascertain the losses of respondent, if any, and to fix up the rate of additional fixed charges and the period for truing-up to make good of the alleged losses if any, after duly considering the claim of petitioners for extension of PPA period and to issue consent to the proposed amendments as per the Commission orders dated 05.12.2009 to the amended agreement to the PPA dated 02.05.2007 and 18.06.2003.

There is no representation on behalf of the respondent. Sri. Y. Rama Rao, Standing Counsel for the petitioners is present. He stated that the matter involves jurisdiction issue, for which a finding has been given by the Commission by order dated 31.10.2016 in O. P. No. 25 of 2015 and batch. The said finding is subjudice before the Hon'ble High Court of Hyderabad for the States of Telangana and Andhra Pradesh. He also stated that in the transfer petitions filed by the respondent herein, the Hon'ble Supreme Court required the Hon'ble High Court to hear and dispose of the writ petitions pending before it within a period of six months from 20.04.2017. He informed the Commission that a specific mention was made before the Hon'ble High Court for taking of the matters pending before it, however, the Hon'ble High Court declined to consider the request, however, a further mention is likely to be made by the counsel for the petitioners before the Hon'ble High Court for fixing a date during the course of this week. Therefore, he requested the Commission to adjourn the matter by six months, or else give liberty to the licensees to file an application for hearing as soon as the Hon'ble High Court disposes the matters pending before it.

The Commission having considered the submissions of the counsel for the petitioners, adjourned the matter without giving any date.

Sd/-
Member

Sd/-
Chairman

O. P. No. 37 of 2015

M/s G M R Vemagiri Power Generation Ltd. vs DISCOMs

Petition u/s 86 (1) (b) and (f) of the Electricity Act, 2003 seeking consent of the Commission to the amendments to the PPA as proposed by the parties in terms of order dated 05.12.2009. However, in its order dated 27.08.2012 in OP (SR) No. 71 of 2011, Commission decided to ascertain losses of the petitioner, if any, in the first instance.

There is no representation on behalf of the petitioner. Sri. Y. Rama Rao, Standing Counsel for the respondents is present. He stated that the matter involves jurisdiction issue, for which a finding has been given by the Commission by order dated 31.10.2016 in O. P. No. 25 of 2015 and batch. The said finding is subjudice before the Hon'ble High Court of Hyderabad for the States of Telangana and Andhra Pradesh. He also stated that in the transfer petitions filed by the petitioner herein, the Hon'ble Supreme Court required the Hon'ble High Court to hear and dispose of the writ petitions pending before it within a period of six months from 20.04.2017. He informed the Commission that a specific mention was made before the Hon'ble High Court for taking of the matters pending before it, however, the Hon'ble High Court declined to consider the request, however, a further mention is likely to be made by the counsel for the petitioners before the Hon'ble High Court for fixing a date during the course of this week. Therefore, he requested the Commission to adjourn the matter by six months, or else give liberty to the licensees to file an application for hearing as soon as the Hon'ble High Court disposes the matters pending before it.

The Commission having considered the submissions of the counsel for the respondent, adjourned the matter without giving any date.

Sd/-
Member

Sd/-
Chairman

O. P. No. 38 of 2015

M/s M/s GMR Vemagiri Power Generation Ltd. & DISCOMS & APPCC

Petition u/s 86 (1) (f) of the Electricity Act, 2003 claiming compensation of Rs. 447 crs (on NPV basis as on COD) towards loss of capacity charges for the period upto 10.04.2009.

There is no representation on behalf of the petitioner. Sri. Y. Rama Rao, Standing Counsel for the respondents is present. He stated that the matter involves jurisdiction issue, for which a finding has been given by the Commission by order dated 31.10.2016 in O. P. No. 25 of 2015 and batch. The said finding is subjudice before the Hon'ble High Court of Hyderabad for the States of Telangana and Andhra Pradesh. He also stated that in the transfer petitions filed by the petitioner herein, the Hon'ble Supreme Court required the Hon'ble High Court to hear and dispose of the writ petitions pending before it within a period of six months from 20.04.2017. He informed the Commission that a specific mention was made before the Hon'ble High Court for taking of the matters pending before it, however, the Hon'ble High Court declined to consider the request, however, a further mention is likely to be made by the counsel for the petitioners before the Hon'ble High Court for fixing a date during the course of this week. Therefore, he requested the Commission to adjourn the matter by six months, or else give liberty to the licensees to file an application for hearing as soon as the Hon'ble High Court disposes the matters pending before it.

The Commission having considered the submissions of the counsel for the respondent, adjourned the matter without giving any date.

Sd/-
Member

Sd/-
Chairman

O. P. No. 42 of 2015

M/s M/s Penna Cement Industries Ltd. vs APTRANSCO, APPCC& DISCOMS

Petition u/s 86 (1) (f) of the Electricity Act, 2003 seeking to recover the amount Rs. 2,66,34,295/- towards pending dues on account of supply of electricity.

There is no representation on behalf of the petitioner. Sri. Y. Rama Rao, Standing Counsel for the respondents is present. He stated that the matter involves jurisdiction issue, for which a finding has been given by the Commission by order dated 31.10.2016 in O. P. No. 25 of 2015 and batch. The said finding is subjudice before the Hon'ble High Court of Hyderabad for the States of Telangana and Andhra Pradesh. He also stated that in the transfer petitions filed by M/s. GMR Vemagiri Power Generation Limited, the Hon'ble Supreme Court required the Hon'ble High Court to

hear and dispose of the writ petitions pending before it within a period of six months from 20.04.2017. He informed the Commission that a specific mention was made before the Hon'ble High Court for taking of the matters pending before it, however, the Hon'ble High Court declined to consider the request, however, a further mention is likely to be made by the counsel for the petitioners before the Hon'ble High Court for fixing a date during the course of this week. Therefore, he requested the Commission to adjourn the matter by six months, or else give liberty to the licensees to file an application for hearing as soon as the Hon'ble High Court disposes the matters pending before it.

The Commission having considered the submissions of the counsel for the respondent, adjourned the matter without giving any date.

Sd/-
Member

Sd/-
Chairman