

Record of Proceedings dated 13.11.2017

O. P. (SR) No. 5 of 2016

And

I. A. No. 6 of 2016

M/s. REI Power Bazaar Private Limited vs Nil, TSDISCOMs, TSTRANSCO and TSGENCO added by the Commission.

M/s. IEX Limited vs M/s. REI Power Bazaar Private Limited, TSDISCOMs, TSTRANSCO and TSGENCO added by the Commission.

Petition filed seeking to establish power market (power exchange) in the state of Telangana u/s 86 (1) (k) read with section 66 of Electricity Act, 2003.

Petition in I A filed by for impleading M/s. IEX Limited as party respondent in the petition

Sri. Abhinay, Advocate representing Sri. P. Vikram, Counsel for the petitioner, Sri. E. N. Aditya, Manager representing the implead petitioner and Sri. Y. Rama Rao, Standing Counsel for the respondents along with Sri. Sai Vihari and Ms. Pravalika, Advocates are present. The advocate representing the counsel for the petitioner sought adjournment for filing the information as directed by the Commission in the earlier hearing. He also stated that a senior counsel from New Delhi is appearing in the matter. He stated that the petition is in terms of section 66 of the Act, 2003. On the other hand, the standing counsel stated that several Commissions have rejected the petition made by the petitioner including the Andhra Commission. He required the petitioner to place before the Commission detailed figures, status of the petitioner and the need for setting up a power market in the State of Telangana.

The Commission expressed its displeasure in not filing the information as directed earlier and also pointed out unless such information before the Commission, the same cannot be proceeded with. It has made it clear that the petitioner shall file the required information within two weeks and after examination of such material, the Commission may decide the next date of hearing. It also required clarification whether the petitioner is part of M/s. Global Energy Limited or not. Accordingly the matter is adjourned without giving any date.

Sd/-
Member

Sd/-
Chairman

I. A. No. 1 of 2017
in
O. P. No. 76 of 2015

M/s. Shri Raghavendra Ferro Alloy's Ltd. Vs TSTRANSCO, TSSPDCL & its officers

Application filed for seeking declaration of the action of the respondents as contrary to tariff order for 2015-16

There is no representation for the petitioner. Sri. Y. Rama Rao, Standing Counsel for the respondents alongwith Sri. Sai Vihari and Ms. Pravalika, Advocates are present. Due to non-prosecution by the counsel on record as well as the petitioner and absence on two occasions, the petition is dismissed for default.

Sd/-
Member

Sd/-
Chairman

I. A. No. 3 of 2017
in
O. P. No. 76 of 2015

M/s. Federation of Telangana & Andhra Pradesh Chambers of Commers & Industry
Vs.
TSDISCOMs

Application filed for seeking modification of the tariff order for the year 2015-16 in respect of RO / water processing plants.

Smt. T. Sujatha, Deputy Director of the petitioner association and Sri. Y. Rama Rao, Standing Counsel for the respondents alongwith Sri. Sai Vihari and Ms. Pravalika, Advocates are present. The representative of the petitioner association stated detailed submissions on the issue involved in the petition. She pointed out that reclassification of the water plant running units was done without notice and back billing amount has been levied. The back billing was done for four years at a stretch in certain cases based on the proceedings issued by the officers of the licensee for their internal action. In fact, the petitioner association, who has members of these units were provided with power supply under the industrial category when they were availing supply, but through inspection and notice of payment, change of category has been inflicted on the consumers. This resulted in change of category to II from III. Neither the service connections of the R.O. water plants was under the category II nor released as such, but they are also not in category II after tariff order of 2016-17. The only year where

they have been treated under the category II is the year 2015-16. Even while changing the category, the licensee chose not to follow the procedure as set out in the terms and condition of the power supply.

At this stage, the Commission has pointed out that the consumers are required to follow and should not violate section 126 of the Act, 2003. In respect of illegal action of the licensee of not issuing notice or billing directly under the different category than that which has been availed by the consumers, the consumers have ample remedies with the licensee and the forum provided by the licensee. The consumers cannot invoke section 56 (2) of the Act, 2003 as there is no restriction for back billing under section 126 of the Act, 2003 as it can go upto any period provided there is clear proof of the same.

The representative stated that the present petition is intended to seek modification of the tariff order in respect of FY 2015-16 for categorizing R.O. plants under category III and nothing more. There have been large number of cases where action of the licensee undertaking change of the category or issuing bills directly in the new category is questionable. Moreover, the CGRF and Ombudsman, whom the Commission is expecting consumer to approach, have passed different orders in different cases at different times creating lot of ambiguity on the issue.

Noticing that the issue raised by the association needs action by the licensee, the Commission has directed the standing counsel to ascertain from the licensee and report by the next date of hearing as to whether it is prepared to designate an officer at the highest level to mitigate the grievance of the water plants instead of pushing everybody to approach the Commission or any other forum for obtaining necessary orders. Accordingly, the matter is adjourned.

Sd/-
Member

Call on 16.11.2017 at 11.00 A.M.
Sd/-
Chairman

I. A. No. 4 of 2017
in
O. P. No. 76 of 2015

Sri Ashok Bukka Vs. TSDISCOMs

Application filed for seeking modification of the tariff order for the year 2015-16 in respect of RO / water processing plants.

Sri. Bukka Ashok petitioner and Sri. Y. Rama Rao, Standing Counsel for the respondents alongwith Sri. Sai Vihari and Ms. Pravalika, Advocates are present. The petitioner stated detailed submissions on the issue involved in the petition. He pointed out that reclassification of the water plant running units was done without notice and back billing amount has been levied. The back billing was done for four years at a stretch based on the proceedings issued by the officers of the licensee for their internal action. In fact, the petitioner, who is member of the association (petitioner in I. A. No. 3 of 2017) was provided with power supply under the industrial category when he was availing supply, but through inspection and notice of payment, change of category has been inflicted on the consumers including the petitioner. This resulted in change of category to II from III. Neither the service connections of the R.O. water plants was under the category II nor released as such, but they are also not in category II after tariff order of 2016-17. The only year where they have been treated under the category II is the year 2015-16. Even while changing the category, the licensee chose not to follow the procedure as set out in the terms and condition of the power supply.

At this stage, the Commission has pointed out that the consumers are required to follow and should not violate section 126 of the Act, 2003. In respect of illegal action of the licensee of not issuing notice or billing directly under the different category than that which has been availed by the consumers, the consumers have ample remedies with the licensee and the forum provided by the licensee. The consumers cannot invoke section 56 (2) of the Act, 2003 as there is no restriction for back billing under section 126 of the Act, 2003 as it can go upto any period provided there is clear proof of the same.

The petitioner stated that the present petition is intended to seek modification of the tariff order in respect of FY 2015-16 for categorizing petitioner's R.O. plant under category III and nothing more. There have been large number of cases where action of the licensee undertaking change of the category or issuing bills directly in the new category is questionable according to the information available to the petitioner. Moreover, the CGRF and Ombudsman, whom the Commission is expecting consumer

to approach, have passed different orders in different cases at different times creating lot of ambiguity on the issue.

Noticing that the issue raised by the association needs action by the licensee, the Commission has directed the standing counsel to ascertain from the licensee and report by the next date of hearing as to whether it is prepared to designate an officer at the highest level to mitigate the grievance of the water plants instead of pushing everybody to approach the Commission or any other forum for obtaining necessary orders. Accordingly, the matter is adjourned.

Call on 16.11.2017 at 11.00 A.M.

Sd/-
Member

Sd/-
Chairman

I. A. No. 5 of 2017
in
O. P. No. 76 of 2015

Sri M. Krishna Reddy Vs. TSDISCOMs

Application filed for seeking modification of the tariff order for the year 2015-16 in respect of RO / water processing plants.

Sri. M. Krishna Reddy petitioner and Sri. Y. Rama Rao, Standing Counsel for the respondents alongwith Sri. Sai Vihari and Ms. Pravalika, Advocates are present. The petitioner stated detailed submissions on the issue involved in the petition. He pointed out that reclassification of the water plant running units was done without notice and back billing amount has been levied. The back billing was done for four years at a stretch based on the proceedings issued by the officers of the licensee for their internal action. In fact, the petitioner, who is member of the association (petitioner in I. A. No. 3 of 2017) was provided with power supply under the industrial category when he was availing supply, but through inspection and notice of payment, change of category has been inflicted on the consumers including the petitioner. This resulted in change of category to II from III. Neither the service connections of the R.O. water plants was under the category II nor released as such, but they are also not in category II after tariff order of 2016-17. The only year where they have been treated under the category II is the year 2015-16. Even while changing the category, the licensee chose not to follow the procedure as set out in the terms and condition of the power supply.

At this stage, the Commission has pointed out that the consumers are required to follow and should not violate section 126 of the Act, 2003. In respect of illegal action of the licensee of not issuing notice or billing directly under the different category than that which has been availed by the consumers, the consumers have ample remedies with the licensee and the forum provided by the licensee. The consumers cannot invoke section 56 (2) of the Act, 2003 as there is no restriction for back billing under section 126 of the Act, 2003 as it can go upto any period provided there is clear proof of the same.

The petitioner stated that the present petition is intended to seek modification of the tariff order in respect of FY 2015-16 for categorizing petitioner's R.O. plant under category III and nothing more. There have been large number of cases where action of the licensee undertaking change of the category or issuing bills directly in the new category is questionable according to the information available to the petitioner. Moreover, the CGRF and Ombudsman, whom the Commission is expecting consumer to approach, have passed different orders in different cases at different times creating lot of ambiguity on the issue.

Noticing that the issue raised by the association needs action by the licensee, the Commission has directed the standing counsel to ascertain from the licensee and report by the next date of hearing as to whether it is prepared to designate an officer at the highest level to mitigate the grievance of the water plants instead of pushing everybody to approach the Commission or any other forum for obtaining necessary orders. Accordingly, the matter is adjourned.

Call on 16.11.2017 at 11.00 A.M.

Sd/-
Member

Sd/-
Chairman

I. A. No. 6 of 2017
in
O. P. No. 76 of 2015

Sri Bandi Laxminarayana Vs. TSDISCOMs

Application filed for seeking modification of the tariff order for the year 2015-16 in respect of RO / water processing plants.

There is no representation for the petitioner. Sri. Y. Rama Rao, Standing Counsel for the respondents alongwith Sri. Sai Vihari and Ms. Pravalika, Advocates are present. The representative of the federation representing the petitioner stated detailed submissions on the issue involved in the petition. She pointed out that reclassification of the water plant running units was done without notice and back billing amount has been levied. The back billing was done for four years at a stretch based on the proceedings issued by the officers of the licensee for their internal action. In fact, she further stated that the petitioner, who is member of the association (petitioner in I. A. No. 3 of 2017) was provided with power supply under the industrial category when he was availing supply, but through inspection and notice of payment, change of category has been inflicted on the consumers including the petitioner. This resulted in change of category to II from III. Neither the service connections of the R.O. water plants was under the category II nor released as such, but they are also not in category II after tariff order of 2016-17. The only year where they have been treated under the category II is the year 2015-16. Even while changing the category, the licensee chose not to follow the procedure as set out in the terms and condition of the power supply.

At this stage, the Commission has pointed out that the consumers are required to follow and should not violate section 126 of the Act, 2003. In respect of illegal action of the licensee of not issuing notice or billing directly under the different category than that which has been availed by the consumers, the consumers have ample remedies with the licensee and the forum provided by the licensee. The consumers cannot invoke section 56 (2) of the Act, 2003 as there is no restriction for back billing under section 126 of the Act, 2003 as it can go upto any period provided there is clear proof of the same.

She stated that the present petition filed by the petitioner is intended to seek modification of the tariff order in respect of FY 2015-16 for categorizing petitioner's R.O. plant under category III and nothing more. There have been large number of cases where action of the licensee undertaking change of the category or issuing bills directly in the new category is questionable according to the information available to the petitioner. Moreover, the CGRF and Ombudsman, whom the Commission is expecting consumer to approach, have passed different orders in different cases at different times creating lot of ambiguity on the issue.

Noticing that the issue raised by the association needs action by the licensee, the Commission has directed the standing counsel to ascertain from the licensee and report by the next date of hearing as to whether it is prepared to designate an officer at the highest level to mitigate the grievance of the water plants instead of pushing everybody to approach the Commission or any other forum for obtaining necessary orders. Accordingly, the matter is adjourned.

Call on 16.11.2017 at 11.00 A.M.

Sd/-
Member

Sd/-
Chairman

I. A. No. 7 of 2017
in
O. P. No. 76 of 2015

Sri M. Jaipal Reddy Vs. TSDISCOMs

Application filed for seeking modification of the tariff order for the year 2015-16 in respect of RO / water processing plants.

There is no representation for petitioner. Sri. Y. Rama Rao, Standing Counsel for the respondents alongwith Sri. Sai Vihari and Ms. Pravalika, Advocates are present. The representative of the federation representing the petitioner stated detailed submissions on the issue involved in the petition. She pointed out that reclassification of the water plant running units was done without notice and back billing amount has been levied. The back billing was done for four years at a stretch based on the proceedings issued by the officers of the licensee for their internal action. In fact, she further stated that the petitioner, who is member of the association (petitioner in I. A. No. 3 of 2017) was provided with power supply under the industrial category when he was availing supply, but through inspection and notice of payment, change of category has been inflicted on the consumers including the petitioner. This resulted in change of category to II from III. Neither the service connections of the R.O. water plants was under the category II nor released as such, but they are also not in category II after tariff order of 2016-17. The only year where they have been treated under the category II is the year 2015-16. Even while changing the category, the licensee chose not to follow the procedure as set out in the terms and condition of the power supply.

At this stage, the Commission has pointed out that the consumers are required to follow and should not violate section 126 of the Act, 2003. In respect of illegal action

of the licensee of not issuing notice or billing directly under the different category than that which has been availed by the consumers, the consumers have ample remedies with the licensee and the forum provided by the licensee. The consumers cannot invoke section 56 (2) of the Act, 2003 as there is no restriction for back billing under section 126 of the Act, 2003 as it can go upto any period provided there is clear proof of the same.

She stated that the present petition filed by the petitioner is intended to seek modification of the tariff order in respect of FY 2015-16 for categorizing petitioner's R.O. plant under category III and nothing more. There have been large number of cases where action of the licensee undertaking change of the category or issuing bills directly in the new category is questionable according to the information available to the petitioner. Moreover, the CGRF and Ombudsman, whom the Commission is expecting consumer to approach, have passed different orders in different cases at different times creating lot of ambiguity on the issue.

Noticing that the issue raised by the association needs action by the licensee, the Commission has directed the standing counsel to ascertain from the licensee and report by the next date of hearing as to whether it is prepared to designate an officer at the highest level to mitigate the grievance of the water plants instead of pushing everybody to approach the Commission or any other forum for obtaining necessary orders. Accordingly, the matter is adjourned.

Call on 16.11.2017 at 11.00 A.M.

Sd/-
Member

Sd/-
Chairman

I. A. No. 8 of 2017
in
O. P. No. 76 of 2015

Sri Mohd. Mukram Ali Vs. TSDISCOMs

Application filed for seeking modification of the tariff order for the year 2015-16 in respect of RO / water processing plants.

There is no representation for the petitioner. Sri. Y. Rama Rao, Standing Counsel for the respondents alongwith Sri. Sai Vihari and Ms. Pravalika, Advocates are present. The representative of the federation representing the petitioner stated detailed

submissions on the issue involved in the petition. She pointed out that reclassification of the water plant running units was done without notice and back billing amount has been levied. The back billing was done for four years at a stretch based on the proceedings issued by the officers of the licensee for their internal action. In fact, she further stated that the petitioner, who is member of the association (petitioner in I. A. No. 3 of 2017) was provided with power supply under the industrial category when he was availing supply, but through inspection and notice of payment, change of category has been inflicted on the consumers including the petitioner. This resulted in change of category to II from III. Neither the service connections of the R.O. water plants was under the category II nor released as such, but they are also not in category II after tariff order of 2016-17. The only year where they have been treated under the category II is the year 2015-16. Even while changing the category, the licensee chose not to follow the procedure as set out in the terms and condition of the power supply.

At this stage, the Commission has pointed out that the consumers are required to follow and should not violate section 126 of the Act, 2003. In respect of illegal action of the licensee of not issuing notice or billing directly under the different category than that which has been availed by the consumers, the consumers have ample remedies with the licensee and the forum provided by the licensee. The consumers cannot invoke section 56 (2) of the Act, 2003 as there is no restriction for back billing under section 126 of the Act, 2003 as it can go upto any period provided there is clear proof of the same.

She stated that the present petition filed by the petitioner is intended to seek modification of the tariff order in respect of FY 2015-16 for categorizing petitioner's R.O. plant under category III and nothing more. There have been large number of cases where action of the licensee undertaking change of the category or issuing bills directly in the new category is questionable according to the information available to the petitioner. Moreover, the CGRF and Ombudsman, whom the Commission is expecting consumer to approach, have passed different orders in different cases at different times creating lot of ambiguity on the issue.

Noticing that the issue raised by the association needs action by the licensee, the Commission has directed the standing counsel to ascertain from the licensee and report by the next date of hearing as to whether it is prepared to designate an officer

at the highest level to mitigate the grievance of the water plants instead of pushing everybody to approach the Commission or any other forum for obtaining necessary orders. Accordingly, the matter is adjourned.

Call on 16.11.2017 at 11.00 A.M.

Sd/-
Member

Sd/-
Chairman

R. P. No. 1 of 2016
in
O. P. No. 11 of 2015

M/s. SLT Power & Infrastructure Projects Pvt. Ltd. Vs. GoTS Energy Department,
TSTRANSCO, TSSPDCL & NEDCAP

Petition filed seeking for reviewing the order dated 27.01.2016 passed in O. P. No. 11 of 2015.

Sri. G. Vijayabhaskar Reddy, Managing Director representing the review petitioner and Sri. Y. Rama Rao, Standing counsel for the respondent alongwith Sri. Sai Vihari and Ms. Pravalika, Advocates are present. The representative of the petitioner has stated that steps have been taken to obtain approval from the banks for one time settlement of the loan and to start the power unit. However, the banks have not yet considered the request and there is a delay on their part. The Telangana Industrial Infrastructure Corporation is levying 13.5% interest per annum, whereas the banks are charging 12.5% per annum as interest. Since, there is a difference in the rate of interest, he is making efforts to run the unit.

It is also his case that in the original order, the Commission had allowed variable tariff from first year of operation, whereas it should have been from the date of COD. The Commission has pointed out that the unit being industrial waste based project, the tariff was construed and determined liberally. It has reminded the petitioner while hearing the review petition on the earlier date that unless, the unit is revived and made functional, it is not inclined to hear the review itself.

In view of the fact that the representative confirming about the unit having not been revived, the Commission expressed about rejecting the petition, however, it allowed the petitioner to approach the Commission afresh after revival of the unit.

Sd/-
Member

Sd/-
Chairman

O. P. No. 8 of 2017

M/s. Shree Cement Limited Vs. TSSPDCL, Vedanta Limited & Bharat Aluminium
Company Limited

Petition filed seeking to recover the amounts due from the respondents towards sale of power on short term basis U/s. 86 (1) (f) of Electricity Act, 2003.

Sri. M. Abhinay Reddy, Advocate representing Sri. P. Vikram, Advocate for the petitioner and Sri. Y. Rama Rao, Standing Counsel for the respondent alongwith Sri. Sai Vihari and Ms. Pravalika, Advocates are present. The advocate representing the counsel for the petitioner has stated that the standing counsel has sought time for filing counter affidavit and it is yet to be filed. The standing counsel stated that the counter affidavit had been filed by the DISCOM. He stated that the petitioner is not entitled to any relief. The advocate representing the counsel for the petitioner stated that he would collect a copy of the counter affidavit and file rejoinder in the matter. Therefore, he sought adjournment of the matter. Accordingly, the matter is adjourned without any date.

Sd/-
Member

Sd/-
Chairman