

Record of Proceedings dated 27.10.2018

O. P. No. 27 of 2018

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I. A. No. 30 of 2018

M/s. Mytrah Aakash Power Private Ltd. Vs. TSDISCOMs & Spl. Chief Secretary to Energy Department

Petition filed seeking orders for granting extension of time for SCOD for (426) days

I. A. filed seeking amendment in the prayer at paragraph 20 of the original petition.

Sri. Hemanth Sahai, Senior Counsel along with Ms. Mazag Andrabi, Advocate and Sri. Varun Kapur, Advocate representing Sri. Challa Gunaranjan, Advocate for the petitioner and Sri. Y. Rama Rao, Standing Counsel for the respondents along with Ms. M. Pravalika, Advocate are present. The counsel for the respondents stated that the respondents need further time to comply with the directions of the Commission relating to the synchronization of the project. The respondents have already initiated the process in this regard, however, there are certain deficiencies on the part of the petitioner, which are required to be complied regarding providing of the information for undertaking implementation of the order.

The counsel for the petitioner stated that all the information required for synchronization is already furnished. The respondents took time to report the compliance of the orders of the Commission to this date. However, again they are seeking time for the very same purpose. The petitioner is inclined to provide all the required information once again along with copy of the date on which earlier information was furnished to the respondents. He sought intervention of the Commission to direct the respondents to comply the directions of the Commission and report definitely by the next date of hearing. The counsel for the respondents sought time at least three weeks for reporting the same.

The Commission having considered the request of the counsel for the respondent, extended the time for reporting compliance of the directions and adjourned the matter.

Call on 09.11.2018 at 11.00 A.M.

Sd/-
Chairman

O. P. No. 37 of 2018
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I. A. No. 31 of 2018

M/s. Mytrah Agriya Power Pvt. Ltd. Vs. TSDISCOMs & Spl. Chief Secretary

Petition filed seeking orders for granting extension of time for SCOD for (420) days

I. A. filed seeking amendment in the prayer at paragraph 20 of the original petition.

Sri. Hemanth Sahai, Senior Counsel along with Ms. Mazag Andrabi, Advocate and Sri. Varun Kapur, Advocate representing Sri. Challa Gunaranjan, Advocate for the petitioner and Sri. Y. Rama Rao, Standing Counsel for the respondents along with Ms. M. Pravalika, Advocate are present. The counsel for the respondents stated that the respondents need further time to comply with the directions of the Commission relating to the synchronization of the project. The respondents have already initiated the process in this regard, however, there are certain deficiencies on the part of the petitioner, which are required to be complied regarding providing of the information for undertaking implementation of the order.

The counsel for the petitioner stated that all the information required for synchronization is already furnished. The respondents took time to report the compliance of the orders of the Commission to this date. However, again they are seeking time for the very same purpose. The petitioner is inclined to provide all the required information once again along with copy of the date on which earlier information was furnished to the respondents. He sought intervention of the Commission to direct the respondents to comply the directions of the Commission and report definitely by the next date of hearing. The counsel for the respondents sought time at least three weeks for reporting the same.

The Commission having considered the request of the counsel for the respondent, extended the time for reporting compliance of the directions and adjourned the matter.

Call on 09.11.2018 at 11.00 A.M.

Sd/-
Chairman

O. P. No. 38 of 2018
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I. A. No. 41 of 2018

M/s. Mytrah Agriya Power Pvt. Ltd. Vs. TSDISCOMs & Spl. Chief Secretary

Petition filed seeking orders for granting extension of time for SCOD for (436) days.

I. A. filed seeking directions to the respondent No. 1 not take any coercive action against the applicant / petitioner including but not limited to invocation of B. Gs. and / or termination of the PPA pending disposal of the original petition.

Sri. Hemanth Sahai, Senior Counsel along with Ms. Mazag Andrabi, Advocate as also Sri. B. Shiva Kumar, Legal Counsel of the company representing Sri. Challa Gunaranjan, Advocate for the petitioner and Sri. Y. Rama Rao, Standing Counsel for the respondents along with Ms. M. Pravalika, Advocate are present. The counsel for the respondents stated that the respondents need further time to comply with the directions of the Commission relating to the synchronization of the project. The respondents have already initiated the process in this regard, however, there are certain deficiencies on the part of the petitioner, which are required to be complied regarding providing of the information for undertaking implementation of the order.

The counsel for the petitioner stated that all the information required for synchronization is already furnished. The respondents took time to report the compliance of the orders of the Commission to this date. However, again they are seeking time for the very same purpose. The petitioner is inclined to provide all the required information once again along with copy of the date on which earlier information was furnished to the respondents. He sought intervention of the Commission to direct the respondents to comply the directions of the Commission and report definitely by the next date of hearing. The counsel for the respondents sought time at least three weeks for reporting the same.

The Commission having considered the request of the counsel for the respondent, extended the time for reporting compliance of the directions and adjourned the matter.

Call on 09.11.2018 at 11.00 A.M.

Sd/-
Chairman

O. P. No. 46 of 2018

M/s Medak Solar Projects Private Limited vs TSTRANSCO & TSSPDCL

Petition filed claiming the units fed into grid by the petitioner's 8.24 MW solar plant from the date of synchronization to the date of LTOA agreement as deemed to have been banked or in alternative to pay at Rs. 6.78 / unit.

Sri. Sai Phanindra Kumar, Advocate representing Sri. Challa Gunaranjan counsel for the petitioner and Sri. Y. Rama Rao counsel for the respondents along with Ms. M. Pravalika, Advocate are present. The counsel for the petitioner has sought adjournment stating that he has to file a rejoinder to the counter affidavit of the respondents, to which the counsel for the respondents has no objection. Accordingly adjourned, the counsel for the petitioner shall file rejoinder 05.11.2018 duly serving a copy of it to the counsel for the respondents.

Call on 09.11.2018 at 11.00 A.M.

Sd/-
Chairman

O. P. No. 47 of 2018

M/s Dubbak Solar Projects Private Limited Vs. TSTRANSCO & TSSPDCL

Petition filed claiming the units fed into grid by the petitioner's 8 MW solar plant from the date of synchronization to the date of LTOA agreement as deemed to have been banked or in alternative to pay at Rs. 6.78 / unit.

Sri. Sai Phanindra Kumar, Advocate representing Sri. Challa Gunaranjan counsel for the petitioner and Sri. Y. Rama Rao counsel for the respondents along with Ms. M. Pravalika, Advocate are present. The counsel for the petitioner has sought adjournment stating that he has to file a rejoinder to the counter affidavit of the respondents, to which the counsel for the respondents has no objection. Accordingly adjourned, the counsel for the petitioner shall file rejoinder 05.11.2018 duly serving a copy of it to the counsel for the respondents.

Call on 09.11.2018 at 11.00 A.M.

Sd/-
Chairman

O. P. No. 54 of 2018

TSSPDCL Vs. Mittal Processors Pvt. Ltd.

Petition filed seeking recovery of outstanding amounts payable by the respondent towards compensation and also refund of STOA charges as per short term power purchase orders dated 29.04.2014 and 12.02.2014.

Sri. Y. Rama Rao, Standing Counsel for the petitioner along with Ms. M. Pravalika, Advocate and Sri. Adarsh Tripathi, Advocate along with Ms. Shraddha Gupta, Advocate for the respondent as well as Sri. Dhawal Desai, Representative of the company are present. The counsel for the petitioner sought further time to file rejoinder in the matter. He stated that the respondent has filed additional counter coupled with some documents in support of his case. He stated that several contentions are raised relating to limitation, jurisdiction and non-joinder of parties to the petition, which are required to be adverted to by the petitioner. Accordingly he needs time to file rejoinder. The counsel for the respondent stated that the petitioner obtained time on the last occasion itself to file rejoinder. The respondent has filed additional counter affidavit and material documents only yesterday. He also sought to file two more documents, which would form part of the additional counter affidavit. He also stated that the petitioner should take steps to amend the title to the case by changing the name of the respondent, which has been shown in the counter affidavit.

Upon the request of the counsel for the petitioner for proving the name change certificate, the counsel for the respondent agreed to provide the same. Having heard the submissions and request of the counsel for parties, the matter is adjourned. The rejoinder shall be filed by 05.11.2018 and the petitioner should take steps to amend the title to the case.

Call on 17.11.2018 at 11.00 A.M.

Sd/-
Chairman

O. P. No. 58 of 2018

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I. A. No. 34 of 2018

M/s. Clean Solar Power (Chitradurga) Pvt. Ltd. Vs. TSSPDCL & TSTRANSCO

Petition filed seeking extension of time for SCOD beyond 21.05.2017 until the respondent No. 1 verifies the commissioning of the project, set aside or quash the letter dated 30.05.2018 written by respondent No. 1 to the petitioner and declare that the events delayed the project are in nature of force majeure and the petitioner is not liable for delay as specified under Article 10.5 of PPA or otherwise for delay in SCOD.

I. A. filed seeking directions to the respondent No. 1 to procure power from the petitioner's project subject to final outcome of the petition.

Sri. Avinash Desai, Advocate along with Sri K. Jashwanth Rao, Advocate for the petitioner and Sri. Y. Rama Rao, Standing Counsel for the respondents along with Ms. M. Pravalika, Advocate are present. The counsel for the petitioner sought adjournment, as his senior counsel is engaged in other matters and will not be able to attend hearing before 17.11.2018. The counsel for the respondents has no objection.

Having considered the request of the counsel for the petitioner, the matter is adjourned, but made it clear that he should ensure arguments in the matter invariably on the next date of hearing.

Call on 17.11.2018 at 11.00 A.M.

Sd/-
Chairman

O. P. No. 59 of 2018

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I. A. No. 35 of 2018

TSDISCOMs Vs. APGENCO, APTRANSCO & APDISCOMs

Petition filed seeking certain directions to APGENCO and APDISCOMs.

I. A. filed seeking interim directions to APGENCO not to proceed with coercive measures before any other forum in respect of the alleged claim to be paid by TSDISCOMs.

Sri. Y. Rama Rao, Standing Counsel for the petitioners along with Ms. M. Pravalika, Advocate and Sri. G.V. Brahmananda Rao, Advocate representing Sri. P. Shiv Rao, Counsel for the respondents are present. The counsel for the respondents sought adjournment of the hearing for four weeks for filing counter affidavit, while filing a memo of objections to the petition regarding the pendency of the issue before Smt. Sheela Bhide Committee, before NCLT and before the Hon'ble High Court on the issue of the jurisdiction of the Commission. The counsel for the petitioner stated that

the counter affidavit is not filed but memo is filed, which is not the procedure for opposing the petition. The Commission may direct the office to scrutiny the memo and take necessary action in terms of filing procedure.

The Commission pointed out that memo is not the procedure in the place of counter affidavit. The respondents should file counter affidavit. The counsel for the respondents sought adjournment of the petition by four weeks, which is not acceptable to the Commission. Accordingly the matter is adjourned, the counter affidavit shall be filed on or before 09.11.2018 by serving a copy of it to the counsel for the petitioner.

Call on 17.11.2018 at 11.00 A.M.

Sd/-
Chairman