

**Record of Proceedings dated 30.04.2018**

O. P. No. 4 of 2018

&

I. A. No. 1 of 2018

M/s. Clean Wind Power (Ananthpur) Private Ltd. Vs. TSDISCOMs

Petition filed seeking determination of the tariff for the wind power project of capacity of 31.5 MW.

I.A. filed for urgent hearing of the original petition.

Sri. Sanjay Sen, Senior Advocate alongwith Sri. Sakya S. Chadhuri, Advocate and Sri. Avjeet Lala, Advocate on behalf of Sri. Somasekhar Naidu, Advocate for the petitioner and Sri. Y. Rama Rao, Standing Counsel for the respondent alongwith Ms. Pravalika, Advocate are present. The counsel for the petitioner stated about the prayer in the petition, the capacity originally sanctioned by the Telangana State Renewable Energy Development Corporation (erstwhile NEDCAP) for 100 MW. It is presently establishing 31.5 MW. There was termination of the agreement between it and TSREDCO, which the petitioner has challenged before the Hon'ble High Court and obtained stay of termination. As such, the sanction is valid till today. On the other hand, the standing counsel sought to emphasize that the procurement of wind energy can only be through competitive bidding at present and they are not inclined to procure the same. Moreover, for determination of the tariff, several documents relating to the financial aspects have to be filed by the petitioner.

The Commission made it clear that the matter has to be disposed of by 31.05.2018 in terms of the directions of the Hon'ble High Court and therefore, the required information has to be filed within seven days that is on or before 07.05.2018. Thereafter, the respondent shall file the counter affidavit within seven days thereafter that is by 14.05.2018 duly making available a copy of the counter affidavit. List the matter on 17.05.2018 at the top of the list.

Adjourned to 17.05.2018 at 11.00 A.M.

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.

Sri. Challa Gunaranjan, Counsel for the petitioner alongwith Sri. M. Sridhar, Advocate and Sri. Y. Rama Rao, Standing Counsel for the respondent alongwith Ms. Pravalika, Advocate are present. The counsel for the petitioner has stated that the Commission had earlier directed the parties to the subsisting PPA to discuss and report on the the status of additional capacity of the project, that is the 1.5 MW installed in addition to the 6 MW for which PPA is there. It is his case that no progress has been made by the petitioner in the matter and it has not firmed up its view as to pursuing this case as the PPA itself would be coming to an end in about 2 to 3 years time. Therefore, the counsel for the petitioner sought time for the next date of hearing so that he may be able to report about withdrawing the original petition itself. The counsel for the respondent has no objection. Accordingly adjourned without any date.

Sd/-  
Chairman

O. P. No. 20 of 2016

M/s. Sugna Metals Limited Vs. Officers of TSSPDCL

Petition filed seeking for questioning the action of DISCOM in not implementing the order of the CGRF and to punish the licensee under sec. 142 of Electricity Act, 2003.

There is no representation for the petitioner. Sri. Y. Rama Rao, Standing Counsel for the respondent alongwith Ms. Pravalika, Advocate is present. The standing counsel for the respondents stated that the petitioner is seeking compliance of the orders of the Vidyut Ombudsman. On the directions of the Commission, the officers have

calculated the amount due to be Rs. 78 lacks, however, the consumer is not inclined to pay the said amount and he is insisting on payment of Rs.19 lakhs only towards R & C measures. Since, the counsel for the petitioner is not present, the matter may be adjourned. Accordingly adjourned without any date.

Sd/-  
Chairman

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, Regional Manager representing the implead petitioner and Sri. Y. Rama Rao, Standing Counsel for the respondents along with Ms. Pravalika, Advocate are present. The counsel for the petitioner stated that the petitioner has filed certain documents as directed by the Commission on the last date of hearing, which may be considered. The standing counsel for the respondents has reiterated his stand that the petition is liable to be dismissed as similar petitions have been dismissed by several other State Commissions.

The Commission desires to know as to whether any documents are on record with reference to the creditworthiness, more particularly, the audited accounts of the petitioner's company and the capital investments made to undertake the business of trading in electricity. The counsel for the petitioner agreed to place all the financial

statements regarding the petitioner's finances as well as the investment details for satisfying the Commission about its creditworthiness. The Commission observed that the documents to be filed should be in conformity with the regulations if any as made by the Commission or the CERC on the issue of power exchange. Accordingly adjourned without any date.

Sd/-  
Chairman

I. A. (SR) No. 35 of 2016  
in  
O. P. No. 32 of 2014

M/s. Ganapati Sugar Industries Ltd. & another Vs. TSDISCOMs

Application filed U/s. 62 & 86 of the Electricity Act, 2003 seeking modification of the order dated 16.05.2014 passed in O. P. No. 32 of 2014 of the combined Commission insofar as variable cost.

Sri. Challa Gunaranjan, Counsel for the petitioner alongwith Sri. M. Sridhar, Advocate and Sri. Y. Rama Rao, Standing Counsel for the respondents alongwith Ms. Pravalika, Advocate are present. The counsel for the petitioner stated that since the applicant in the interlocutory application had already preferred an appeal against the order of the erstwhile APERC in the matter of the tariff, it proposed to pursue the appeal and do not wish to prosecute the present application. Accordingly, the counsel seeks to withdraw the application. The applicant is permitted to withdraw the same and the application is dismissed as withdrawn.

Sd/-  
Chairman

O. P. No. 2 of 2017

M/s. NSL Krishnaveni Sugars Ltd. Vs. TSDISCOMs

Petition filed seeking for determination of tariff for 28.2 MW bagasse based cogeneration project consequent to the directions to purchase power under long term PPA

Sri. K. Gopal Chowdary, Advocate representing Sri. Challa Gunaranjan, counsel for the petitioner and Sri. Y. Rama Rao, Standing Counsel for the respondents along with Ms. Pravalika, Advocate are present. The counsel for the petitioner submitted

that the petition filed is for determination of the tariff and that the project has been established in the year 2009. It became functional in the year 2011. The erstwhile APERC determined the fixed cost upto the year 2009 only and there is no determination of fixed cost for two subsequent control periods being 2009-2014 and 2014-2019. There are two issues in the matter, one is compliance of international treaty and the other being determination of tariff under section 62 read with 86 (1) (e) of the Act, 2003. This project being a project prior to competitive bidding concept is required to be dealt with under section 62 of the Act, 2003 only. The Commission is required to determine the tariff from first year onwards and the petitioner is entitled to only the 7<sup>th</sup> year tariff since the determination is made now.

At this stage, the Commission pointed out the requirement of financial details of the past seven years as well as details of DPR and investment details as envisaged in the year 2009.

The counsel for the petitioner agreed to place the same before the Commission by the next date of hearing, as also submit his arguments with regard to the contention sought to be raised by the respondents and that they are required to procure power under competitive bidding only. On the other hand, it is the case of the counsel for the respondents that they are not inclined to procure power from the project and that the petitioner is required to bid to supply whenever competitive bidding takes place. Even if the tariff is determined by the Commission, there is no compulsion on the DISCOMs to procure power from the project.

The counsel for the petitioner sought to make detailed submissions and therefore sought adjournment. The matter is adjourned and the counsel for the petitioner is required to place all the details as desired by the Commission.

Adjourned to 17.05.2018 at 11.00 A.M.

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, Sri. Y. Rama Rao, Standing Counsel for the respondent No. 1 alongwith Ms. Pravalika, Advocate and Sri. K. Gopal Chowdary, Advocate for the respondents No. 2 and 3 are present. The counsel for the petitioner stated that the petition involves two connected prayers involving sale of power on short term basis. The DISCOM is liable to pay compensation for under drawl of the power contracted or share the point of connection charges as also charges levied for over drawl on the generator by the SLDC. The counter affidavit is filed by the DISCOM and the petitioner is filing a rejoinder in the matter. Sri K. Gopal Chowdary, counsel for the respondents No. 2 and 3 sought time to file counter affidavit in the matter.

At this stage, the Commission sought to know whether it is intra-state sale or inter-state sale and if it is inter-state sale would not the Central Commission Regulation apply to it. The counsel for the parties sought time to clarify the position while making final arguments. The counsel for the petitioner sought to place on record that the compensation charges are liable to be paid in the ratio of 50:50, however, this needs to be looked into in terms of the Central Commission Regulation and whether the DISCOM is liable to pay the entire amount.

Keeping in view the rival arguments and time sought to submit arguments, the matter is adjourned.

Adjourned to 02.06.2018 at 11.00 A.M.

Sd/-  
Chairman

O. P. No. 10 of 2017

M/s. Arhyama Solar Power Pvt. Ltd., Vs. TSSPDCL

Petition filed seeking questioning the action of the respondent in not implementing provisions of regulations / orders issued by the Commission in respect of Balancing and Settlement Code of 2006.

Sri. K. Venkat Gupta, Consultant along with Sri. G. Ranadeer, representative of the Company of the petitioner and Sri. Y. Rama Rao, Standing Counsel for the respondent alongwith Ms. Pravalika, Advocate are present. The representative stated that the issue raised in the petition is relating to levy of TOD charges for the supplies made by the solar generator to its consumers. As directed by the Commission, necessary documents have already been filed. The counsel for the respondent requires time to examine the case and submit the details thereof.

The Commission, therefore, observed that both the parties shall sit and reconcile the figures and submit the same to the Commission, whereupon further hearing will be taken upon by the Commission. Accordingly adjourned.

Call on 02.06.2018 at 11.00 A.M.

Sd/-  
Chairman

O. P. No. 15 of 2017

M/s. Steel Exchange India Limited Vs. TSDISCOMs

Petition filed U/s. 86 (1) (f) of the Electricity Act, 2003 R/w Conduct of Business Regulation No. 2 of 2015, claiming compensation bills payable by the TSDISCOMs as per power purchase orders.

Sri. Challa Gunaranjan, Counsel for the petitioner along with Sri. M. Sridhar, Advocate and Sri. Y. Rama Rao, Standing Counsel for the respondent alongwith Ms. Pravalika, Advocate are present. The counsel for the petitioner stated that the issue is with regard to reimbursement of amount due to short term sale. The claim is with regard to Rs.73 lacks alongwith interest. The counsel for the respondent stated that they are inclined to pay the amount due but without interest.

At this stage, the Commission made it clear that this is not an issue which requires adjudication and should have been settled mutually after discussion. However, the counsel for the petitioner agreed to drop the claim of interest if the payment is made immediately by convincing the petitioner to that extent. In response

the counsel for the respondent required an undertaking to that effect so that the DISCOM shall make arrangement for payment of the amount. The counsel for the petitioner suggested that he would place a letter with the respondent immediately upon seeing the record of proceedings and thereafter they should make the payment immediately and not later than 19.05.2018, as otherwise the claim for interest stands restored. Though the counsel for the respondent was at pains to accede to the date, but agreed to make effort to pay the same by the date upon receipt of undertaking.

The matter is adjourned for recording settlement of the matter on 19.05.2018. The parties are directed to comply with the consent expressed at the time of hearing.

Adjourned to 19.05.2018 at 11.00 A.M.

Sd/-  
Chairman

O. P. No. 18 of 2017

M/s. Madhucon Sugar & Power Industries Ltd., Vs. TSPCC & TSDISCOMs

Petition filed U/s. 86 (1) (f) of the Electricity Act, 2003 seeking to recover short fall amounts from the licensee for the energy supplied in October & November, 2010.

Sri. Challa Gunaranjan, Counsel for the petitioner alongwith Sri. M. Sridhar, Advocate and Sri. Y. Rama Rao, Standing Counsel for the respondents along with Ms. Pravalika, Advocate are present. The counsel for the petitioner stated that the petition involves the claim of amounts due to it under short term purchase during the combined state period. The counsel for the respondent stated that the matter involves the issue of jurisdiction and the matters have been adjourned indefinitely. He also stated that the Hon'ble High Court is likely to take up the jurisdiction issue on or after 04.06.2018.

In view of the submissions, the matter is adjourned without any date.

Sd/-  
Chairman

