

Record of Proceedings for 27.04.2015

O. P. No. 14 of 2015

- M/s. Arhyama Solar Power Private Limited, Hyderabad vs
- (1). The Principal Secretary, Energy Department, Government of Telangana, Hyderabad
 - (2). The Southern Power Distribution Company of Telangana (TSSPDCL), Hyderabad
 - (3). M/s. Transmission Corporation of Telangana State Limited (TSTRANSCO), Hyderabad
 - (4). The Senior Accounts Officer, Operation Circle Medak, Sangareddy

Petition seeking the levy of transmission and wheeling charges as determined by erstwhile APERC vide order dated 09.05.2014 contrary to government policy as adopted by the APERC.

There is no representation on behalf of the petitioner. Sri. J Aswhini Kumar Advocate representing Sri. Y. Rama Rao counsel for the respondents is present. The Advocate stated that the Commission passed orders on the interlocutory application and the respondents have filed their counter affidavit.

It was observed as there is interim order, the petitioner may not be interested, however the matter is adjourned

Call on 29.06.2015
At 11:00 AM

Sd/-
Member

Sd/-
Member

Sd/-
Chairman

O. P. No. 59 of 2015 and I A No. 13 of 2014

M/s KSK Mahanadi Power Company Ltd. vs DISCOMs

Petition u/s 86 (1) (f) of the Electricity Act, 2003 for adjudication of dispute relating to claim of respondents towards liquidated damages of Rs. 23.60 crores under Article 4.8 of the power purchase agreement (PPA) dated 31.07.2012 entered between the parties.

Petitioner filed I A for amendment of the cause title.

Sri. Gurutuwar Hebbar incharge regulatory being representative of the petitioner is present. There is no representation on behalf of the respondents. The representative of the petitioner stated that the counsel for the petitioner is unable attend hearing, hence sought adjournment. He also stated that the necessary for amendment of the

cause title is already filed. The representative of the petitioner sought adjournment to a particular date as a similar matter is also posted. Agreed and adjourned to the same date of earlier matter that is 23.06.2015.

Call on 23.06.2015
At 11:00 AM

Sd/-
Member

Sd/-
Member

Sd/-
Chairman

O. P. No. 60 of 2015

DISCOMs & APPCC vs KSK Mahanadi Power Company Ltd & 4 others

Petition u/s 86 (1) (f) of the Electricity Act, 2003 for directions on illegal claim of Rs. 66.31 crs towards the transmission charges for the period 16th June, 2013 to 13th August, 2013 and capacity charges for the period 16th June 2013 to 26th July, 2013 by illegal invoking letter of credit by M/s KSK Mahanadi Power Company Ltd., for the period without supplying power to the petitioners.

Sri. Gurutuwar Hebbar incharge regulatory being representative of the respondent is present. There is no representation on behalf of the petitioners. The representative of the respondent stated that the counsel for the respondent is unable attend hearing, hence sought adjournment. He also stated that the necessary for amendment of the cause title has to be undertaken by the petitioners. The representative of the respondent sought adjournment to a particular date as a similar matter is also posted. Agreed and adjourned to the same date of earlier matter that is 23.06.2015.

Call on 23.06.2015
At 11:00 AM

Sd/-
Member

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Member

Sd/-
Chairman

O. P. No. 61 of 2015 and I A No 23 of 2015

M/s Green Energy Association vs DISCOMs & SLDC

Petition u/s 142 of the Electricity Act, 2003 for non-compliance of regulation 7 (1) & (2) and 9 of the APERC renewable power purchase obligation (compliance by purchase of renewable energy / renewable energy certificate) Regulation, 2012.

Sri B. Tagore, Advocate counsel for the petitioner and Sri. B Sanjay Kumar, ADE (IPC) TSPCC, being representative of the respondent are present. The counsel for

the petitioner stated that he has filed vakalat on behalf of the petitioner and he also filed an amendment petition seeking to amend the cause title along with the prayer. The representative of the respondent stated that the counsel engaged by them has sought time. The counsel for petitioner insisted for ordering amendment of title.

However the Commission observed that it made some comments in its tariff order which is being released in a day or two. Hence the matter will be adjourned.

Call on 30.06.2015
At 11:00 AM

Sd/-
Member

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Member

Sd/-
Chairman

O. P. No. 62 of 2015

DISCOMs vs Nil

Petition u/s 86 (1) (e) and 61 & 66 of the Electricity Act, 2003 read with Regulation 8 of APERC (conduct of business) regulations, 1999 seeking modification / amendments to RPPO (renewable power purchase obligation) during each of the years 2012-13 to 2016-17 passed in Regulation No. 1 of 2012 dated 21.03.2012.

Sri. B Sanjay Kumar, ADE (IPC) TSPCC, being representative of the petitioners is present. There are no respondents stated, hence none appeared. The representative of the petitioner stated that the counsel engaged by them has sought time.

However the Commission observed that it made some comments in its tariff order which is being released in a day or two. Hence the matter will be adjourned but without a date. Further steps will be taken later in the matter.

Sd/-
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Member

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Chairman

O. P. No. 49 of 2015 and I. A. No. 18 of 2015

M/s. Corporate Power Limited vs TSSPDCL & TSNPDCL

Petition seeking resolution of disputes between it and the licensees in the erstwhile state of A.P. by referring the matter to arbitration in respect of PPA dt. 31-07-2012.

Filed a I.A under Section 94 (2) of the Act, 2003 seeking to withdrawl the original petition

There is no representation on behalf of the petitioner. Sri. J Aswini Kumar Advocate representing Sri. Y Rama Rao counsel for the respondent and K Dileep Kumar SE IPC of TSSPDCL are present for the respondents. The representative stated that the petitioner sought to withdraw the original petition having obtained stay from the City Civil Court. The issue is with regard to encashment of bank guarantee towards liquidated damages as there was supply of power within time stipulated in the PPA.

The Commission observed that facts be placed before the Commission for deciding on the petition for withdrawal by 16.05.2015.

Sd/-
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Member

Sd/-
Chairman

O.P.No. 74 of 2015

M/s Hetero Wind Power Ltd. Vs TSTRANSCO, APTRANSCO & TSSPDCL

Petition seeking execution of tariff order dt.09.05.2014 with regard to exemption of transmission & wheeling charges for the petitioner's wind project.

Sri. N Sreeramchandra Murthy representative of the petitioner and Sri. J Aswini Kumar Advocate representing Sri. Y Rama Rao counsel for the respondent are present. The representative of the petitioner sought time to take steps to amend the title and the petition in view of the Reorganisation Act. As his counsel is unable to attend hearing he has sought time for the said purpose. The Advocate represented that the he is being engaged by the respondents and needs time to submit arguments, hence requested for adjournment.

Petitioner to take necessary steps to for amendment of the cause title. Adjourned.

Call on 22.06.2015
At 11:00 AM

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Member

Sd/-
Chairman

O. P. No. 81 of 2015 and I. A. No. 22 of 2015

M/s. Earth Solar Pvt. Ltd vs TSSPDCL & CGM (Comml & RAC), TSSPDCL

Petition seeking to question the action of the license in not modifying and changing the substation as requested and also postponing the COD by one year

Sri. D. Madhava Rao Advocate and counsel for the petitioner and Sri. J Aswini Kumar Advocate representing Sri. Y Rama Rao counsel for the respondent and K Dileep Kumar SE IPC of TSSPDCL representative of the respondents are present. The counsel for the petitioner sought interim orders for directing the DISCOM not to encash the bank guarantee till disposal of the case as they are likely to do so any time. On the other hand it was represented by the counsel for the respondents that the petitioner has as already approached the Hon'ble High Court and obtained stay of the encashment for 6 weeks. The DISCOM needs to file counter afterwards, the Commission may decide the matter.

At this stage it was pointed out by the Commission that the DISCOM has not responded to the request of the petitioner in writing and also asked the officer who replied to the petitioner over telephone as to why written communication in reply is not given. As there was no reply, Commission directed filing of counter affidavit including why the request was not acceded immediately. The Commission required the petitioner to await the counter affidavit as it cannot pass any orders in the absence of true facts. The respondents were directed to file a copy of the counter affidavit filed before the Hon"ble High Court before the Commission also for its information. Accordingly, adjourned.

Call on 30.06.2015
At 11:00 AM

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Member

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Chairman

O. P. No. 82 of 2015

M/s. Pragathi Group vs TSSPDCL & TSTRANSCO

Petition seeking to question the action of levying wheeling and transmission charges by licensees along with other issues.

Sri. N. K. K. Venkat consultant along with Sri. S. Hari Kumar Site Engineer and Sri. J Aswini Kumar Advocate representing Sri. Y Rama Rao counsel for the respondent and K Dileep Kumar SE IPC of TSSPDCL representative of the respondents are present. The representative of the petitioner sought interim order on the charges. The counsel for the respondents stated that the DISCOM needs to file counter afterwards, the Commission may decide the matter.

At this stage it was pointed out by the Commission as to why the DISCOM extend the benefit of earlier interim order in another matter to the petitioner also, to which representative present before the Commission sought to extend the same benefit.

Therefore, Commissions has considered appropriate extend the same interim order to the petitioner also.

Main case stands adjourned.

Call on 30.06.2015
At 11:00 AM

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Member

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Member

Sd/-
Chairman

O. P. No. 83 of 2015

M/s. Lanco Kondapalli Power Ltd TSPCC, TSSPDCL & TSNPDCL

Petition seeking to question of non-payment of supplementary bills by the Licensee.

Sri. M. K. Viswanath, Advocate representing Sri. Challa Gunaranjan counsel for the petitioner and Sri. J Aswini Kumar Advocate representing Sri. Y Rama Rao counsel for the respondent are present. The Advocate stated the petition is recovery of the amounts towards the bills issued to the licensees for the power supplied. The Advocate respondents stated that the matter is coming up for the first time and the respondents have to file their counter affidavit. Therefore he sought time. Accordingly, adjourned.

Call on 30.06.2015
At 11:00 AM

Sd/-
Member

Sd/-
Member

Sd/-
Chairman