

Record of proceedings dated 25.01.2020

O. P. No. 6 of 2015

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I. A. No. 28 of 2015

M/s. Rithwik Power Projects Ltd. Vs. TSNPDCL

Petition filed seeking directions to the licensee for purchase of tariff for the additional capacity of 1.5 MW at the rate being paid to existing 6 MW power point.

I.A. filed seeking amendment in the cause title in the main petition.

Sri. M. Sridhar, Advocate representing Sri. Challa Gunaranjan, Counsel for the petitioner and Sri. Y. Rama Rao, Standing Counsel for the respondent are present. The counsel for petitioner stated that the petition is filed for entering into agreement for additional capacity of 1.5 MW at the same tariff and an application to amend the title of the case. The counsel for the respondent stated that the DISCOM is not inclined to enter into an agreement and procure the additional capacity of 1.5 MW at the same tariff. Infact, on the earlier occasion, it was represented that the petitioner would withdraw the case, however is now pressing for the prayer. Except for MSW projects rest of the renewable sources of energy have to be procured through competitive bidding only under the policy of Government of India. Therefore, this petition may be dismissed.

Having heard the arguments of the parties in the case, the same is reserved for orders.

Sd/-
Member (F)

Sd/-
Member (T)

Sd/-
Chairman

O. P. No. 8 of 2019

M/s. Hyderabad MSW Energy Solutions Pvt. Ltd. Vs. TSSPDCL

Petition filed seeking extension of control period from 31.03.2019 to 31.03.2020 in respect of generic tariff fixed in O. P. No. 18 of 2016 dated 13.06.2016.

Sri. Matrugupta Mishra, counsel for the petitioner alongwith Sri. Omar Waziri, Advocate and Sri. Y. Rama Rao, Standing Counsel for the respondent are present. The counsel for the petitioner stated that the petition is filed for extension of the order passed by the Commission in O. P. No. 18 of 2016 providing for the generic tariff for MSW projects. They have several projects across several states, which are

functional and based on MSW only. Several states have provided for generic tariff only and the Commission has a prerogative to determine the generic tariff under section 86 (1) (e) of the Act, 2003. It has environmental benefits and there is an urgent need to provide clearance for solid waste generated by the cities. Therefore, the petitioner is seeking extension of the generic tariff upto 31.03.2020, by which time the petitioner will achieve the COD.

The counsel for the respondent stated that the policy of the Government of India as also the CERC Regulation provided for determination of tariff on a project specific basis in respect of MSW projects. Therefore, the petitioner is required to file a specific petition for determination of tariff for the project. The Commission may not extend the generic order as the period is too short and may not serve the purpose.

The Commission observed that if there are several projects, there may not be any issue in determining the generic tariff by notifying the normative parameters. The Commission will decide on moving towards generic tariff or project specific tariff. At this stage the counsel for the respondent sought further time for filing counter affidavit. Liberty is given to the respondents to file their counter affidavit within a period of two weeks and the matter is reserved for orders.

Sd/-
Member (F)

Sd/-
Member (T)

Sd/-
Chairman

I. A. No. 13 of 2019
in
O. P. No. 4 of 2013

M/s. VBC Ferro Alloys Limited Vs. TSSPDCL & its S.E.

Petition filed seeking revisiting the conditions stipulated in the retail supply tariff order for FY 2013-14 for the category of HT – I(b) consumers.

Sri. M. Sridhar, Advocate representing Sri. Challa Gunaranjan, Counsel for the petitioner and Sri. Y. Rama Rao, Standing Counsel for the respondent are present. The advocate representing the counsel for the applicant stated that the applicant in the I. A. is only seeking modification of the conditions laid down in the order in the facts and circumstances of the case explained in the application. The counsel for the respondent stated that the counter affidavit is filed. The counsel for the petitioner

stated that the counter affidavit is not received and a copy of it is received by him now. He sought time for filing rejoinder. Accordingly, the matter is adjourned.

Call on 18.04.2020 at 11.00 A.M.

Sd/-
Member (F)

Sd/-
Member (T)

Sd/-
Chairman

I. A. No. 14 of 2019
in
O. P. No. 4 of 2012

M/s. VBC Ferro Alloys Limited Vs. TSSPDCL & its S.E.

Petition filed seeking revisiting the conditions stipulated in the retail supply tariff order for FY 2012-13 for the category of HT – I (b) consumers.

Sri. M. Sridhar, Advocate representing Sri. Challa Gunaranjan, Counsel for the petitioner and Sri. Y. Rama Rao, Standing Counsel for the respondent are present. The advocate representing the counsel for the applicant stated that the applicant in the I. A. is only seeking modification of the conditions laid down in the order in the facts and circumstances of the case explained in the application. The counsel for the respondent stated that the counter affidavit is filed. The counsel for the petitioner stated that the counter affidavit is not received and a copy of it is received by him now. He sought time for filing rejoinder. Accordingly, the matter is adjourned.

Call on 18.04.2020 at 11.00 A.M.

Sd/-
Member (F)

Sd/-
Member (T)

Sd/-
Chairman

O. P. No. 2 of 2020

M/s. Tejas India Solar Energy Pvt. Ltd. Vs. TSSPDCL & TSTRANSCO

Petition filed seeking directions to the respondents to synchronize the plant and consequently grant long term open access permission.

Sri. M. Abhinav Reddy, Advocate representing Sri. P. Vikram, Advocate for the petitioner and Sri. Y. Rama Rao, Standing Counsel for the respondents are present. The counsel for the petitioner stated that the petition is for directions to synchronize the project and allow open access. The standing counsel for the respondents sought time for filing counter affidavit. Accordingly the matter is adjourned.

Call on 22.02.2020 at 11.00 A.M.

Sd/-
Member (F)

Sd/-
Member (T)

Sd/-
Chairman

O. P. No. 3 of 2020

M/s. Rithwik Power Projects Ltd. Vs. TSSPDCL & its officer & TSTRANSCO.

Petition filed seeking declaration of the action of TSSPDCL in delayed payment of bills as arbitrary and for payment of interest towards on such delayed payment of bills for FY 2016-17 to 2018-19.

Sri. M. Sridhar, Advocate representing Sri. Challa Gunaranjan, Counsel for the petitioner and Sri. Y. Rama Rao, Standing Counsel for the respondents are present. The advocate representing the counsel for the petitioner stated that the petition is filed for non-payment of dues and for payment of interest for such dues. The standing counsel for the respondents sought time for filing counter affidavit. Accordingly the matter is adjourned.

Call on 18.04.2020 at 11.00 A.M.

Sd/-
Member (F)

Sd/-
Member (T)

Sd/-
Chairman

O. P. No. 4 of 2020

M/s. Sri Venkateswara Green Power Projects Ltd. Vs. TSSPDCL

Petition filed seeking determination of tariff for the remaining period of the PPA in accordance with the orders of the Commission passed in O. P. No. 18 of 2016.

Ms. Priya Ayengar, Advocate for the petitioner and Sri. Y. Rama Rao, Standing Counsel for the respondent are present. The counsel for the petitioner stated that the petition is filed for determination of the tariff for the remaining period of the PPA in accordance with earlier generic tariff order passed by the Commission in O. P. No. 18 of 2016 for MSW projects. Several states have provided for generic tariff only and the Commission has a prerogative to determine the generic tariff under section 86 (1) (e) of the Act, 2003. It has environmental benefits and there is an urgent need to provide clearance for solid waste generated by the cities. Therefore, the petitioner is seeking for determination of the project specific tariff.

The counsel for the respondent stated that the policy of the Government of India as also the CERC Regulation provided for determination of tariff on a project specific basis in respect of MSW projects.

The Commission observed that if there are several projects, there may not be any issue in determining the generic tariff by notifying the normative parameters. The Commission will decide on moving towards generic tariff or project specific tariff. At this stage the counsel for the respondent sought further time for filing counter affidavit. Accordingly the matter is adjourned.

Call on 22.02.2020 at 11.00 A.M.

Sd/-
Member (F)

Sd/-
Member (T)

Sd/-
Chairman

I. A. No. 2 of 2020
in
O. P. No. 5 of 2019

M/s. Singareni Collieries Company Ltd. Vs. TSDISCOMs

Application filed seeking orders to raise bills for the supply of energy by STPP based on average annual fixed charges claimed before the Commission for the control period FY 2019-20 till determination of ARR and tariff for FY 2019-2024.

Sri. P. Shiva Rao, Advocate for the applicant and Sri. Y. Rama Rao, Standing Counsel for the respondents are present. The counsel for the applicant stated about the background of the case including the details of the appeal filed before the Hon'ble ATE. He sought interim directions for payment of tariff as per the earlier tariff order applicable to the applicant as the respondents have conceded to that extent in the counter affidavit filed in this application. He also sought allowing of Rs. 329 crores towards environmental social audit capital investment as per the guidelines and rules notified by the Government of India on tentative basis subject to final decision by the Commission on the relevant petitions.

He stated that the Hon'ble ATE had already directed the Commission to hear and dispose of the petition in respect of true up which was filed by the applicant earlier before the Commission. Therefore, the Commission may pass orders on this application and take up the main petition for consideration, but following due process

of undertaking public hearing. For this purpose, an early date of hearing of the main petition be fixed.

The counsel for the respondents stated that they are agreeable for payment of tariff to the extent as determined by the Commission in its earlier order and the same was stated in the counter affidavit. As regards the main petition, he stated that the Commission may decide the course of action.

The Commission, while reserving the orders on the interlocutory application, tentatively schedule the public hearing on 29.02.2020.

Sd/-
Member (F)

Sd/-
Member (T)

Sd/-
Chairman

R. P. (SR) No. 139 of 2018
in
O. P. No. 33 of 2018

TSNPDCL Vs. M/s. Mytrah Adarsh Power Private. Ltd.

Review petition filed seeking review of the order dated 22.10.2018 in O. P. No. 33 of 2018 passed by the Commission.

Sri. Y. Rama Rao, Standing Counsel for the review petitioner / respondent and Sri. M. Sridhar, Advocate representing Sri Challa Gunaranjan, Advocate for respondent / petitioner are present. The counsel for the review petitioner stated that originally the petition is filed seeking the review of the order passed by the Commission in O. P. No. 33 of 2018. The advocate representing the counsel for the respondent / petitioner stated that the parties have filed a joint memo for modification of the order inline with their agreement. The counsel for the review petitioner accepted the same and requested that the memo be made as part of the order of the Commission. Accordingly, the matter is reserved for orders.

Sd/-
Member (F)

Sd/-
Member (T)

Sd/-
Chairman

