

## **Record of proceedings dated 24.01.2020**

O. P. No. 6 & 7 of 2016

TSDISCOMs Vs M/s. Inox Air Product Pvt. Ltd., M/s. Agarwal Foundries Pvt. Ltd., M/s. Federation of Telangana Chambers of Commerce & Industry, M/s. Dilip Re-rolling Private Ltd., M/s. Suguna Metals Private Ltd., M/s. Aryam Steels Private Ltd., M/s. Radha Smelters Ltd. (MDK – 1395), M/s. Radha Smelters Ltd. (MDK – 1060) & M/s. Vijayalakshmi Spintex Ltd.

Petition filed seeking determination of CSS for year 2016-17 U/s. 42 of the Act, 2003, the has been remanded back to the Commission by the Hon'ble High Court by orders passed in W.A. Nos. 3 & 4 of 2019 to pass a fresh reasoned order.

Shri G.Raghuma Reddy, Chairman & Managing Director of TSSPDCL along with Shri Swamy Reddy, Director / IPC and Shri Narisimha Rao, Director / Finance are present on behalf of Discoms. Smt. Shagun Srivastava, Shri Challa Gunaranjan, Shri G. Chandra Sekhara Rao and Shri Deepak Chowdary advocates are present on behalf of the opposing parties.

The CMD made detailed submissions stating that the present hearing has occasioned pursuant to direction of the Hon'ble High Court hear the writ petitioner, federation and pass fresh orders determining the CSS for FY 2016 – 17. He also explained the procedure adopted earlier and the contentions required to the objections raised on the earlier occasion through a power point presentation.

The counsel for the objectors stated about the need for determined the CSS in accordance with policy of the government. Determination of CSS should not stifle the growth of industry which in – turn affects the society at large. The policy contemplated the CSS to be  $\pm 20\%$  of the tariff application to the category and it cannot include all other charges other than tariff. Pointing out the provisions of the Act, 2003 it is stated that the Commission is guided by the policy and it should invariably be followed. In fact the Act and the policy mandate gradual reduction of CSS upto the percentage mention in the policy. It is not the case of the industry that no CSS can be levied on open access being availed, but it should not be so onerous so as to defeat the purpose of allowing open access. Therefore, CSS may be determined in accordance with the policy within the percentage prescribed therein.

The CMD stated that the matter may be disposed of ensuring that no further remained from the higher forum is made by setting aside the order of the Commission. He also stated that the objections purported to have placed before the Hon'ble High Court on behalf of federation pursuant earlier notice in the year 2016 are not correct and they had no occasion to respond to the same. The federation had never filed an objection in so far as CSS is concerned. The federation had filed fresh objections and served a copy to the TSSPDCL and TSSPDCL expressed that they will file their written reply to that fresh objections raised by the federation. Accordingly may decide the matter and determine the CSS based on submissions of the parties.

The counsel appearing for other parties adopted the arguments of the counsel for the opposite parties Smt. Shagun Srivastava and sought one week time for written submissions. The Deputy CEO Smt. T. Sujatha representing the federation stated that until the year 2018 the federation was the joint federation for both the states of Telangana and Andhra Pradesh and that the same was bifurcated only in the year 2019. The federation have never filed objections in respect of CSS for the year under issue and if the objections relating to Andhra Pradesh tariff and CSS were placed before the Hon'ble High Court or the Commission, then the same is erroneous.

Having heard the parties, the matter is reserved for orders.

Sd/-  
Member (F)

Sd/-  
Member (T)

Sd/-  
Chairman

O.P. (SR) No. 6 of 2019

M/s. Jairaj Ispat Limited Vs. TSSPDCL

Petition filed seeking declaration that no CSS for FY 2016-17 need to be collected by the respondent.

Smt. Shagun Srivastava and Shri G. Chandra Sekhara Rao advocates are present on behalf of the petitioners. Shri G.Raghuma Reddy, Chairman & Managing Director of TSSPDCL along with Shri Swamy Reddy, Director / IPC and Shri Narisimha Rao, Director / Finance are present on behalf of TSSPDCL.

Shri G. Chandra Sekhara Rao, Advocate representing the petitioner adopted the arguments of Smt. Shagun Srivastava, Advocate on the subject matter. He also

stated that office took objection about different prayer and non-payment of fee for filing fresh petition, the petitioner intends to limit the prayer to the directions of the Hon'ble High Court and not the prayer sought in the petition that is "to declare that no cross subsidy surcharge need to be collected by the respondent for the financial year 2016 – 17".

The Commission has accepted the submission and also allowed exemption of fee as it is a remand proceeding undertaken pursuant to directions of the Hon'ble High Court. Accordingly the arguments are heard and the petition is reserved for orders.

Sd/-  
Member (F)

Sd/-  
Member (T)

Sd/-  
Chairman

O.P. (SR) No. 10 of 2019

M/s. Vijaya Iron Foundry Private Limited Vs. TSSPDCL

Petition filed seeking declaration that no CSS for FY 2016-17 need to be collected by the respondent.

Smt. Shagun Srivastava and Shri G. Chandra Sekhara Rao advocates are present on behalf of the petitioners. Shri G.Raghuma Reddy, Chairman & Managing Director of TSSPDCL along with Shri Swamy Reddy, Director / IPC and Shri Narisimha Rao, Director / Finance are present on behalf of TSSPDCL.

Shri G. Chandra Sekhara Rao, Advocate representing the petitioner adopted the arguments of Smt. Shagun Srivastava, Advocate on the subject matter. He also stated that office took objection about different prayer and non-payment of fee for filing fresh petition, the petitioner intends to limit the prayer to the directions of the Hon'ble High Court and not the prayer sought in the petition that is "to declare that no cross subsidy surcharge need to be collected by the respondent for the financial year 2016 – 17".

The Commission has accepted the submission and also allowed exemption of fee as it is a remand proceeding undertaken pursuant to directions of the Hon'ble High Court. Accordingly the arguments are heard and the petition is reserved for orders.

Sd/-  
Member (F)

Sd/-  
Member (T)

Sd/-  
Chairman

O.P. (SR) No. 11 of 2019

M/s. Devashree Ispat Private Limited Vs. TSSPDCL

Petition filed seeking declaration that no CSS for FY 2016-17 need to be collected by the respondent.

Smt. Shagun Srivastava and Shri G. Chandra Sekhara Rao advocates are present on behalf of the petitioners. Shri G.Raghuma Reddy, Chairman & Managing Director of TSSPDCL along with Shri Swamy Reddy, Director / IPC and Shri Narisimha Rao, Director / Finance are present on behalf of TSSPDCL.

Shri G. Chandra Sekhara Rao, Advocate representing the petitioner adopted the arguments of Smt. Shagun Srivastava, Advocate on the subject matter. He also stated that office took objection about different prayer and non-payment of fee for filing fresh petition, the petitioner intends to limit the prayer to the directions of the Hon'ble High Court and not the prayer sought in the petition that is "to declare that no cross subsidy surcharge need to be collected by the respondent for the financial year 2016 – 17".

The Commission has accepted the submission and also allowed exemption of fee as it is a remand proceeding undertaken pursuant to directions of the Hon'ble High Court. Accordingly the arguments are heard and the petition is reserved for orders.

Sd/-  
Member (F)

Sd/-  
Member (T)

Sd/-  
Chairman

O.P. (SR) No. 12 of 2019

M/s. MMG Steels Private Limited Vs. TSSPDCL

Petition filed seeking declaration that no CSS for FY 2016-17 need to be collected by the respondent.

Smt. Shagun Srivastava and Shri G. Chandra Sekhara Rao advocates are present on behalf of the petitioners. Shri G.Raghuma Reddy, Chairman & Managing Director of TSSPDCL along with Shri Swamy Reddy, Director / IPC and Shri Narisimha Rao, Director / Finance are present on behalf of TSSPDCL.

Shri G. Chandra Sekhara Rao, Advocate representing the petitioner adopted the arguments of Smt. Shagun Srivastava, Advocate on the subject matter. He also

stated that office took objection about different prayer and non-payment of fee for filing fresh petition, the petitioner intends to limit the prayer to the directions of the Hon'ble High Court and not the prayer sought in the petition that is "to declare that no cross subsidy surcharge need to be collected by the respondent for the financial year 2016 – 17".

The Commission has accepted the submission and also allowed exemption of fee as it is a remand proceeding undertaken pursuant to directions of the Hon'ble High Court. Accordingly the arguments are heard and the petition is reserved for orders.

Sd/-  
Member (F)

Sd/-  
Member (T)

Sd/-  
Chairman

O.P. (SR) No. 13 of 2019

M/s. Vinayak Steels Limited Vs. TSSPDCL

Petition filed seeking declaration that no CSS for FY 2016-17 need to be collected by the respondent.

Smt. Shagun Srivastava and Shri G. Chandra Sekhara Rao advocates are present on behalf of the petitioners. Shri G.Raghuma Reddy, Chairman & Managing Director of TSSPDCL along with Shri Swamy Reddy, Director / IPC and Shri Narisimha Rao, Director / Finance are present on behalf of TSSPDCL.

Shri G. Chandra Sekhara Rao, Advocate representing the petitioner adopted the arguments of Smt. Shagun Srivastava, Advocate on the subject matter. He also stated that office took objection about different prayer and non-payment of fee for filing fresh petition, the petitioner intends to limit the prayer to the directions of the Hon'ble High Court and not the prayer sought in the petition that is "to declare that no cross subsidy surcharge need to be collected by the respondent for the financial year 2016 – 17".

The Commission has accepted the submission and also allowed exemption of fee as it is a remand proceeding undertaken pursuant to directions of the Hon'ble High Court. Accordingly the arguments are heard and the petition is reserved for orders.

Sd/-  
Member (F)

Sd/-  
Member (T)

Sd/-  
Chairman

O.P. (SR) No. 14 of 2019

M/s. Jeevaka Industries Limited Vs. TSSPDCL

Petition filed seeking declaration that no CSS for FY 2016-17 need to be collected by the respondent.

Smt. Shagun Srivastava and Shri G. Chandra Sekhara Rao advocates are present on behalf of the petitioners. Shri G.Raghuma Reddy, Chairman & Managing Director of TSSPDCL along with Shri Swamy Reddy, Director / IPC and Shri Narisimha Rao, Director / Finance are present on behalf of TSSPDCL.

Shri G. Chandra Sekhara Rao, Advocate representing the petitioner adopted the arguments of Smt. Shagun Srivastava, Advocate on the subject matter. He also stated that office took objection about different prayer and non-payment of fee for filing fresh petition, the petitioner intends to limit the prayer to the directions of the Hon'ble High Court and not the prayer sought in the petition that is "to declare that no cross subsidy surcharge need to be collected by the respondent for the financial year 2016 – 17".

The Commission has accepted the submission and also allowed exemption of fee as it is a remand proceeding undertaken pursuant to directions of the Hon'ble High Court. Accordingly the arguments are heard and the petition is reserved for orders.

Sd/-  
Member (F)

Sd/-  
Member (T)

Sd/-  
Chairman

O.P. (SR) No. 15 of 2019

M/s. Navadurga Billets Private Limited Vs. TSSPDCL

Petition filed seeking declaration that no CSS for FY 2016-17 need to be collected by the respondent.

Smt. Shagun Srivastava and Shri G. Chandra Sekhara Rao advocates are present on behalf of the petitioners. Shri G.Raghuma Reddy, Chairman & Managing Director of TSSPDCL along with Shri Swamy Reddy, Director / IPC and Shri Narisimha Rao, Director / Finance are present on behalf of TSSPDCL.

Shri G. Chandra Sekhara Rao, Advocate representing the petitioner adopted the arguments of Smt. Shagun Srivastava, Advocate on the subject matter. He also

stated that office took objection about different prayer and non-payment of fee for filing fresh petition, the petitioner intends to limit the prayer to the directions of the Hon'ble High Court and not the prayer sought in the petition that is "to declare that no cross subsidy surcharge need to be collected by the respondent for the financial year 2016 – 17".

The Commission has accepted the submission and also allowed exemption of fee as it is a remand proceeding undertaken pursuant to directions of the Hon'ble High Court. Accordingly the arguments are heard and the petition is reserved for orders.

Sd/-  
Member (F)

Sd/-  
Member (T)

Sd/-  
Chairman

O.P. (SR) No. 30 of 2019

M/s. Salasaar Iron & Steel Private Limited Vs. TSSPDCL

Petition filed seeking declaration that no CSS for FY 2016-17 need to be collected by the respondent.

Smt. Shagun Srivastava and Shri G. Chandra Sekhara Rao advocates are present on behalf of the petitioners. Shri G.Raghuma Reddy, Chairman & Managing Director of TSSPDCL along with Shri Swamy Reddy, Director / IPC and Shri Narisimha Rao, Director / Finance are present on behalf of TSSPDCL.

Shri G. Chandra Sekhara Rao, Advocate representing the petitioner adopted the arguments of Smt. Shagun Srivastava, Advocate on the subject matter. He also stated that office took objection about different prayer and non-payment of fee for filing fresh petition, the petitioner intends to limit the prayer to the directions of the Hon'ble High Court and not the prayer sought in the petition that is "to declare that no cross subsidy surcharge need to be collected by the respondent for the financial year 2016 – 17".

The Commission has accepted the submission and also allowed exemption of fee as it is a remand proceeding undertaken pursuant to directions of the Hon'ble High Court. Accordingly the arguments are heard and the petition is reserved for orders.

Sd/-  
Member (F)

Sd/-  
Member (T)

Sd/-  
Chairman

O.P. (SR) No. 31 of 2019

M/s. Suryalakshmi Cotton Mills Limited Vs. TSSPDCL

Petition filed seeking declaration that no CSS for FY 2016-17 need to be collected by the respondent.

Smt. Shagun Srivastava and Shri G. Chandra Sekhara Rao advocates are present on behalf of the petitioners. Shri G.Raghuma Reddy, Chairman & Managing Director of TSSPDCL along with Shri Swamy Reddy, Director / IPC and Shri Narisimha Rao, Director / Finance are present on behalf of TSSPDCL.

Shri G. Chandra Sekhara Rao, Advocate representing the petitioner adopted the arguments of Smt. Shagun Srivastava, Advocate on the subject matter. He also stated that office took objection about different prayer and non-payment of fee for filing fresh petition, the petitioner intends to limit the prayer to the directions of the Hon'ble High Court and not the prayer sought in the petition that is "to declare that no cross subsidy surcharge need to be collected by the respondent for the financial year 2016 – 17".

The Commission has accepted the submission and also allowed exemption of fee as it is a remand proceeding undertaken pursuant to directions of the Hon'ble High Court. Accordingly the arguments are heard and the petition is reserved for orders.

Sd/-  
Member (F)

Sd/-  
Member (T)

Sd/-  
Chairman

O.P. (SR) No. 32 of 2019

M/s. Suryalata Spinning Mills Limited Vs. TSSPDCL

Petition filed seeking declaration that no CSS for FY 2016-17 need to be collected by the respondent.

Smt. Shagun Srivastava and Shri G. Chandra Sekhara Rao advocates are present on behalf of the petitioners. Shri G.Raghuma Reddy, Chairman & Managing Director of TSSPDCL along with Shri Swamy Reddy, Director / IPC and Shri Narisimha Rao, Director / Finance are present on behalf of TSSPDCL.

Shri G. Chandra Sekhara Rao, Advocate representing the petitioner adopted the arguments of Smt. Shagun Srivastava, Advocate on the subject matter. He also

stated that office took objection about different prayer and non-payment of fee for filing fresh petition, the petitioner intends to limit the prayer to the directions of the Hon'ble High Court and not the prayer sought in the petition that is "to declare that no cross subsidy surcharge need to be collected by the respondent for the financial year 2016 – 17".

The Commission has accepted the submission and also allowed exemption of fee as it is a remand proceeding undertaken pursuant to directions of the Hon'ble High Court. Accordingly the arguments are heard and the petition is reserved for orders.

Sd/-  
Member (F)

Sd/-  
Member (T)

Sd/-  
Chairman