

**Record of proceedings dated 08.09.2015**

O. P. No.1 of 2015

Garrison Engineer MES, AFS, Hakimpet vs TSSPDCL

Petition seeking deemed distribution licence

Sri B. Krishna Mohan, Advocate and Central Government Standing Counsel along with Sri. R. N. Yadav, Garrison Engineer, Hakimpet for the petitioner and Sri. J. Ashwini Kumar, Advocate for Sri. Y. Rama Rao, Counsel for the respondent are present. Counsel for the petitioner and the Garrison Engineer have submitted arguments on behalf of the petitioner and also filed necessary revised application as directed by the Commission on the earlier date of hearing. The counsel for respondent stated that as well as the reply from the petitioner have already been filed, however, he sought to make submissions on the amended application at a later date. Thus he sought adjournment of the matter.

The Commission directed the parties to make submissions in detail and no further adjournment will be considered as it will be heard finally on the next date of hearing. Adjourned.

Sd/-  
Member

Sd/-  
Member

Call on 04.11.2015  
At 11.00 AM  
Sd/-  
Chairman

O. P. No.2 of 2015

Garrison Engineer MES, AFS, Dundigal vs TSSPDCL

Petition seeking deemed distribution licence

Sri B. Krishna Mohan, Advocate and Central Government Standing Counsel along with Sri S P Banerjee, Garrison Engineer, Dundigal for the petitioner and Sri J Ashwini Kumar, Advocate for Sri Y. Rama Rao, Counsel for the respondent are present. Counsel for the petitioner and the Garrison Engineer have submitted arguments on behalf of the petitioner and also filed necessary revised application as directed by the Commission on the earlier date of hearing. The counsel for respondent stated that as well as the reply from the petitioner have already been filed, however, he sought to

make submissions on the amended application at a later date. Thus he sought adjournment of the matter.

The Commission directed the parties to make a submissions in detail and no further adjournment will be considered as it will be heard finally on the next date of hearing.  
Adjourned.

Sd/-  
Member

Sd/-  
Member

Call on 04.11.2015  
At 11.00 AM  
Sd/-  
Chairman

O. P. No. 2 of 2015

M/s. ITC Limited vs TSLDC

Petition filed u/s 86 (1) (e) of the Electricity Act, 2003 seeking direction to the SLDC to give accreditation to the petitioner's renewable energy project

Sri. N. Alagiri, Senior Manager (Projects) being representative for the petitioner and Sri. J. Ashwini Kumar, Advocate for Sri. Y. Rama Rao, Counsel for the respondent are present. The representative of the petitioner sought to make submissions on the basis of the report filed on behalf of m/s. TNREDC. He also filed the notification issued by the Chattisgarh commission and the procedure notified by the chattisgarh power distribution company in case of the same raw material of black liquor used by a paper unit in that state. The counsel for the DISCOM and the representative of the SLDC have categorically stated that the required regulation / guideline should come from CERC and after such an exercise, if such an exercise if application is made to the SLDC it will consider decide on the accreditation application. Therefore they suggested that the petitioner should first approach the CERC instead of moving from state to state and respective Commissions seeking accreditation for the said raw material used petitioner to be the renewable energy source.

The Commission directed the office to issue specific notice to CMD TNREDC to appear on the next date of hearing invariably to explain the position regarding renewable energy sources including the petitioner's source. The hearing is adjourned.

Sd/-  
Member

Sd/-  
Member

Call on 04.11.2015  
At 11.00 AM  
Sd/-  
Chairman

O. P. No.3 of 2015

M/s. Geo Syndicate Power Pvt. Ltd. vs TSNPDCL

Petition seeking determination of tariff for the supply of electricity generated from geothermal energy to respondent (APNPDCL now TSNPDCL) pursuant to Section 62, 64, 86.1 (a), 86.1 (b) and other applicable provisions of the Electricity Act, 2003.

Shri. G. Krishna Reddy, Advocate on behalf of Sri Hanmanth Reddy, Counsel for the petitioner and Sri. J. Ashwini Kumar, Advocate for Sri. Y. Rama Rao, Counsel for the respondent are present. The counsel for the petitioner sought adjournment stating that the Advocate on Record is out of station thus not available for hearing, therefore sought adjournment of the hearing. The counsel for the respondent has no objection as he also sought adjournment stating that the licensee has not be briefed about the project as directed by the Commission at the earlier date of hearing.

The Commission adjourned the hearing. It also directed the office to send a notice to the petitioner, CMD, NPDCL and CMD, TNREDC to be present for a presentation on the subject matter by the petitioner on 03.11.2015.

Sd/-  
Member

Sd/-  
Member

Call on 04.11.2015  
At 11.00 AM  
Sd/-  
Chairman

O. P. No. 5 of 2015

And

I. A. No. 27 of 2015

1. M/s Knowledge Infrastructure Systems Pvt. Ltd. 2. M/s Shalivahana (MSW)  
Green Energy Ltd. vs TSSPDCL & TSPCC

Petition filed u/s 86 (1) (f) of the Electricity Act, 2003 claiming certain amounts due on account of supply of electricity under short term purchase for the months January, February and March, 2013.

Filed an I.A. seeking to amend the title in the petition.

Sri. M. K. Vishwanath Naidu, Advocate for Sri. Challa Gunaranjan, Counsel for the petitioner and Sri. J. Ashwini Kumar, Advocate for Sri. Y. Rama Rao, Standing Counsel for respondents are present. The Counsel for the respondents sought time to convey the views of the respondents and the counsel for the petitioner sought time to plead on the amendment petition filed by the petitioner. He also brought to the notice of the

Commission that the office has directed the petitioner to pay a fee of Rs. 10,000/- instead of Rs. 1000/- paid by the petitioner.

The Commission having regard to the request of the counsel adjourned the hearing and also stated that it will inform its views on the matter of payment of fee later.

Sd/-  
Member

Sd/-  
Member

Call on 04.11.2015  
At 11.00 AM  
Sd/-  
Chairman

O. P. No. 6 of 2015  
And  
I. A. No. 28 of 2015

M/s. Rithwik Power Projects Ltd. 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 petition.

Sri. M. K. Vishwanath Naidu, Advocate for Sri. Challa Gunaranjan, Counsel for the petitioner and Sri. J. Ashwini Kumar, Advocate for Sri. Y. Rama Rao, Standing Counsel for respondents are present. The Counsel for the respondents sought time to convey the views of the respondents and the counsel for the petitioner sought time to plead on the amendment petition filed by the petitioner. He also brought to the notice of the Commission that the office has directed the petitioner to pay a fee of Rs. 10,000/- instead of Rs. 1000/- paid by the petitioner.

The Commission having regard to the request of the counsel adjourned the hearing and also stated that it will inform its views on the matter of payment of fee later.

Sd/-  
Member

Sd/-  
Member

Call on 04.11.2015  
At 11.00 AM  
Sd/-  
Chairman

O. P. No. 7 of 2015  
And  
I. A. No. 29 of 2015

M/s. Shalivahana (MSW) Green Energy Ltd. vs TSLDC

Petition filed questioning the refusal of grant of accreditation for the 12 MW MSW project under RPPO Regulation.

Filed an I.A. seeking to amend the title in the petition

Sri. M. K. Vishwanath Naidu, Advocate for Sri. Challa Gunaranjan, Counsel for the petitioner and Sri. J. Ashwini Kumar, Advocate for Sri. Y. Rama Rao, Standing Counsel for respondents are present. The Counsel for the respondents sought time to convey the views of the respondents and the counsel for the petitioner sought time for pleading on the amendment petition filed by the petitioner. He also brought to the notice of the Commission that the office has directed the petitioner to pay a fee of Rs. 10,000/- instead of Rs. 1000/- paid by the petitioner.

The Commission having regard to the request of the counsel adjourned the hearing and also stated that it will inform its views on the matter of payment of fee later.

		Call on 04.11.2015
		At 11.00 AM
Sd/- Member	Sd/- Member	Sd/- Chairman

O. P. No. 11 of 2015

M/s. SLT Power & Infrastructure Projects Pvt. Ltd vs Govt. of Telangana,  
TSTRANSCO, TSSPDCL & NREDCAP

Petition seeking directions to apply the tariff determined on 22.06.2013 in respect of the industrial waste project of 3.5 MW of the petitioner in terms of order of Hon'ble ATE dated 20.12.2012.

Sri. M. V. Pratap Kumar, Counsel for petitioner along with Sri. G. Vijay Bhaskar Reddy, representative of the petitioner and Sri. J. Ashwini Kumar, Advocate for Sri. Y. Rama Rao, Counsel for the respondent are present. Sri. Y. Rama Rao, made a mention that the petition be adjourned till the Commission pronounces the order in M/s. Gayathri Sugars Ltd case as both have identical issues and he would make submissions based on the order of the Commission in this matter. He also stated that he has informed the counsel for the petitioner about seeking adjournment in the matter. The counsel for the petitioner opposed the adjournment of the matter as he had argued the same on several occasions and the Commission was very considerate towards the licensee granting time on the last 4 occasions to submit their arguments apart from filing their reply to the data submitted by the petitioner in terms of the directions of the

Commission. He pleaded for early disposal of the matter or otherwise to pass some order so as to enable the petitioner to satisfy the bankers who are likely to auction the unit including the assets of the Directors.

The Commission felt that there is no necessity for adjourning the hearing as the licensee is not coming forward with its part of the data to confront the petitioner about the calculations made by it. As the licensee is not inclined to file any further information, it heard the counsel for the petitioner and reserved the matter for judgement.

Upon the request of the counsel for the respondent to permit the licensee to file written submissions, it gave time till 15.09.2015 for filing written submissions and upon receiving a copy, the counsel for the petitioner shall file his written submissions on or before 18.09.2015.

Sd/-  
Member

Sd/-  
Member

Call on 04.11.2015  
At 11.00 AM  
Sd/-  
Chairman

O. P. No. 14 of 2015

M/s. Arhyama Solar Power Pvt. Ltd. Vs Govt. of Telangana, TSSPDCL,  
TSTRANSCO and Officers

Petition u/s 86 (1) (f) of the Electricity Act, 2003 seeking to restrain the DISCOMs  
from deducting from the monthly bills amounts towards deemed generation

Sri. G. Randheer representative of the petitioner and Sri. J. Ashwin Kumar, Advocate for Sri. Y. Rama Rao counsel for the respondents are present. The representative of the petitioner stated that the counsel is unable attend hearing and also sought time for filing a reply to the counter affidavit. The counsel for the respondent also has no objection but has pointed out that the counsel for the petitioner was not present on the last occasion also.

The Commission having noticed the absence of the counsel for petitioner on several occasions, pointed out that if the counsel is not present on the next date of hearing,

the Commission will be constrained to decide the matter on the basis of record and further adjournment will not be allowed.

Sd/-  
Member

Sd/-  
Member

Call on 04.11.2015  
At 11.00 AM  
Sd/-  
Chairman

O. P. No. 42 of 2015

M/s Penna Cement Ltd. Vs APTRANSCO, APPCC & DISCOMS

Petition filed u/s 86 (1) (f) of the Electricity Act, 2003 seeking to recover the amount Rs. 2,66,34,295/- towards pending dues on account of supply of electricity.

Sri. J. Ashwini Kumar, Advocate for Sri. Y. Rama Rao, Counsel for respondents is present. There is no representation on behalf of the petitioner. The counsel for respondents stated that the matter involves the issue of jurisdiction therefore the matter is required to go along with the batch of cases involving the issue of jurisdiction. He also stated there is no representation on behalf of the petitioner atleast on two occasions including the present day hearing.

The Commission accepting the suggestion of the counsel for the respondent and in view of the absence of the representative of the petitioner, adjourned without any date.

Sd/-  
Member

Sd/-  
Member

Sd/-  
Chairman

O. P. No. 51 of 2015  
And  
I. A. No. 25 of 2015

M/s. Nile Ltd vs APCPDCL, TSSPDCL & TSNPDCL

Petition seeking directions for payment on the monthly power bills

Filed an I.A. seeking to amend the title in the petition.

Sri. M. K. Vishwanath Naidu, Advocate for Sri. Challa Gunaranjan, Counsel for the petitioner and Sri. J. Ashwini Kumar, Advocate for Sri. Y. Rama Rao, Standing Counsel for respondents are present. The Counsel for the respondents sought time to convey the views of the respondents and the counsel for the petitioner sought time for pleading on the amendment petition filed by the petitioner. He also brought to the notice of the

Commission that the office has directed the petitioner to pay a fee of Rs. 10,000/- instead of Rs. 1000/- paid by the petitioner.

The Commission having regard to the request of the counsel adjourned the hearing and also stated that it will inform its views on the matter of payment of fee later.

Call on 04.11.2015

At 11.00 AM

Sd/-  
Member

Sd/-  
Member

Sd/-  
Chairman

O. P. No. 61 of 2015

And

I. A. No. 23 of 2015

M/s Green Energy Association vs. TSDISCOMS & 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 counsel for the petitioners and Sri. J. Ashwini Kumar, Advocate for Sri. Y. Rama Rao, Counsel for the respondents are present. Counsel for the petitioner stated that he has submitted arguments in detailed on the early occasions and also filed submissions on petitioners part in respect of the I. A. enclosing the reply and the judgements being relied upon by the petitioner. The Counsel for the respondent stated that they are not in receipt of amendment petition and additional submissions in the matter and therefore sought adjournment of the matter.

The Commission pointed out that the Telangana Discoms are complying with RPO at more than 20% of the energy requirement, therefore required the petitioner to show how there is non-compliance of the said regulation. Also the counsel for the respondent to clearly place before the Commission the quantum of renewable sources of energy being procured by giving the break up for each source of supply. Adjourned.

Call on 30.11.2015

At 11.00 AM

Sd/-  
Member

Sd/-  
Member

Sd/-  
Chairman

O. P. No 74 of 2015

And

I. A. No. 24 of 2015

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

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

Filed an I.A. seeking to amend the title in the petition.

Sri. Prasad Rao, Counsel for the petitioner and Sri. J. Ashwini Kumar, Advocate for Sri. Y. Rama Rao, Counsel for the respondents are present. Counsel for the respondents sought adjournment of hearing as the petitioner has raised the issue of giving benefit of order dated 09.05.2015 of erstwhile APERC determining the transmission tariff which involves jurisdiction issue. The counsel for petitioner has no objection, however, sought specific date of hearing of the matter. Adjourned.

Call on 04.11.2015

At 11.00 AM

Sd/-  
Member

Sd/-  
Member

Sd/-  
Chairman

R. P. No. 1 of 2015

TSTRANSCO vs Nil

Petition seeking for review of the order dated 09.05.2014 determining the transmission tariff for the 3<sup>rd</sup> control period of 2014-15.

Sri. J. Ashwini Kumar, Advocate for Sri. Y. Rama Rao, Counsel for the petitioner is present. The counsel for the petitioner sought adjournment of the matter stating that the matter involves the issue of jurisdiction as the petitioner is seeking review of the order passed by the erstwhile APERC determining transmission tariff for the control period 2014 to 2019 in the combined application filed by erstwhile APTRANSCO.

As it has a bearing a several issues and petitions before the Commission, the same is adjourned.

Call on 04.11.2015

At 11.00 AM

Sd/-  
Member

Sd/-  
Member

Sd/-  
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. Venkat, representative of the petitioner and Sri. J. Ashwini Kumar, Advocate for Sri. Y. Rama Rao, Counsel for respondent are present. The representative of the petitioner sought to file rejoinder to the counter affidavit filed by the licensees. Commission having noticed that the rejoinder is not filed by proper person, has directed the representative to file the rejoinder duly signed by the competent person of the company namely either the Managing Director or any of the Directors of the Company. Accordingly the petition is adjourned.

Sd/-  
Member

Sd/-  
Member

Call on 04.11.2015  
At 11.00 AM  
Sd/-  
Chairman

O. P. No 83 of 2015

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

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

Sri. M. K. Viswanatha Naidu, Advocate for Sri. Challa Gunaranjan, Counsel for the petitioner and Sri. J. Ashwini Kumar, Advocate for Sri. Y. Rama Rao, Counsel for respondents are present. The counsel for the respondents stated that the petition involves the issue of jurisdiction of the Commission and is required to be adjourned. The counsel for petitioner has no objection as the respondents have to file the counter affidavit in the matter. Adjourned.

Sd/-  
Member

Sd/-  
Member

Call on 04.11.2015  
At 11.00 AM  
Sd/-  
Chairman

O. P. No 88 of 2015

Exhibition Society vs Nil

Application filed for exemption from license under Section 13 of Electricity Act, 2003.

Sri. O.S.R. Sastry, Office Superintendent of the petitioner is present. He sought time for filing the information as sought by the Commission and also to represent the matter through an Advocate. The Commission required the society to submit the details and

also the legal provisions for enabling it to consider the application made by the petitioner. Adjourned.

Sd/-  
Member

Sd/-  
Member

Call on 04.11.2015  
At 11.00 AM  
Sd/-  
Chairman

O. P. No 89 of 2015

M/s Bhagyanagar India Ltd. vs Govt. of Telangana, TSSPDCL & TSTRANSCO

Petition filed questioning the action of the licensees in demanding payment of wheeling charges contrary to the tariff order dated 09.05.2014 of erstwhile APERC.

Sri. J. Ashwini Kumar, Advocate for Sri. Y. Rama Rao, Counsel for respondent is present. There is no representation on the behalf of the petitioner either by itself or through their advocate. Since the petition is coming up for hearing for the first time, the matter is adjourned.

Sd/-  
Member

Sd/-  
Member

Call on 04.11.2015  
At 11.00 AM  
Sd/-  
Chairman

R. P. (SR) No 42 of 2015  
And  
I. A. (SR) Nos. 51 and 52 of 2015

M/s Suguna Metals Ltd. vs TSNPDCL & TSSPDCL

Petition filed seeking review of the tariff order dated 27.03.2015 in OP Nos. 76 and 77 of 2015 in respect of voltage surcharge (SR No. 42 of 2015)

Petition filed for interim orders pending disposal of the review petition (SR No. 51 of 2015)

Petition filed for condoning the delay of 34 days in filing the review petition (SR No. 52 of 2015)

Sri. N. Vinesh Raj, Counsel for the petitioner and Sri. J. Ashwini Kumar, Advocate for Sri. Y. Rama Rao, Counsel for the respondents are present. The counsel for petitioner submitted arguments on the delay petition in the filing the review as well as merits of the case for reviewing the order determining retail supply tariff for the year 2015-16, more particularly the issue of levy of voltage surcharge. The Commission pointed out

that exceeding the CMD by the consumer while drawing power from any source including licensee will affect the system. It required the counsel for the petitioner to explain in detailed as to why there is a requirement of review as the petitioner has not shown any of the conditions required for entertaining a review as required under law. In the mean while the counsel for the respondent is at liberty to file the submissions of the respondent on the review petitions including the delay in filing the same. Adjourned.

Sd/-  
Member

Sd/-  
Member

Call on 04.11.2015  
At 11.00 AM  
Sd/-  
Chairman