

Record of Proceedings dated 15.04.2025

O. P. No. 27 of 2025

AND

I.A. No. 12 of 2025

M/s. DRES Energy Pvt. Ltd

AND

TGTRANSCO & its Officers

Heard Mr. Deepak Chowdary and Ms. Mazag Andrabi Learned Counsel representing the petitioner and perused the record. The petitioner has filed main O. P. No. 27 of 2027 on the file of this Commission seeking to declare the demand notice dated 15.04.2024 issued by the Respondent No. 1 / TGTRANSCO and another notice dated 12.06.2024 issued by the Respondent No. 3 / TGSPDCL as arbitrary and illegal and prayed the Commission to declare both the notices as arbitrary and illegal.

Ms. Mazag Andrabi who appeared through Video Conference and Mr. Deepak Chowdary, who is present in the court have submitted that the Respondent No. 1 has issued impugned letter Notice dated 15.04.2024 informing the petitioner that it has decided to collect the SLDC charges from those open access users which had been compensated for un-utilized banked energy. It is further submitted that by then the TGTRANSCO annexed the invoices for an amount of Rs. 6,20,037/-, for Rs. 3,92,724/- for 8 MW solar project and also Rs. 2,27,313/- for 7.1 MW solar project. The petitioner stated to have responded to the said notice by way of reply dated 24.05.2024.

It is further submitted by the learned counsel for the petitioner that 12.06.2024 TGSPDCL has issued letter and demand notices similar to that of letter notice dated 15.04.2024 to pay an amount of Rs. 1,10,40,642/-, Rs. 70,82,666/- for 8 MW Solar Project and Rs. 39,57,976/- for 7.1 MW Solar Project towards wheeling charges and wheeling losses for deemed banked energy. The petitioner stated to have responded by way of reply dated 05.07.2024.

It is submitted by the learned counsel appearing for the petitioner that there is no basis for issuance of such notices either under the law or under the agreement between the parties entered into dated 25.04.2019 and 08.05.2019, since there is no clause in the agreement for levying of the charges as demanded in the impugned notices.

The petitioner has approached the Hon'ble High Court vide W. P. No. 17797 of 2024 challenging the impugned notices wherein that while admitting the writ petition, the Hon'ble High Court in I. A. No. 1 of 2024 has passed Interim Orders dated 08.07.2024 directing the respondent not to disconnect 8 MW and 7.1 MW solar projects of the petitioner from the Grid and / or to take any adverse or coercive actions in furtherance of the Impugned Demand Notices. Subsequently, the petitioner has approached this Commission and filed this petition and thereby requested the Hon'ble High Court to permit them to withdraw the writ petition. Accordingly, the Hon'ble High Court has permitted the petitioner to withdraw the writ petition. It is also submitted by learned counsel appearing for the petitioner that at the time of withdrawing the writ petition, the counsel for the respondent has agreed not to take coercive steps until this interlocutory application has been entertained by this Commission.

Considering the submissions made by the learned counsel on record for the respondent, and on perusal of the records it is *prima facie* found that there is neither law nor an agreement between the parties enabling the Respondents to issue demand notices dated 15.04.2024 and 12.06.2024.

Considering the above while issuing the notices, the respondents are hereby directed not to take any coercive steps basing on both the impugned notices dated 15.04.2024 in respect of 8 MW and 7.1 MW solar power projects of the petitioner.

List the matter on 25.04.2025.

Sd/-
Chairman