

Record of proceedings dated 16.06.2016

I. A. No. 2 of 2016
IN
O. P. No. 10 of 2015

M/s. Sundew Properties Limited Vs TSSPDCL

Petition seeking clarification of the order dated 15.02.2016 in O. P. No. 10 of 2015 under section 94 (2) of the Electricity Act, 2003.

Sri. P. Sri Ram Counsel for the petitioner and Sri. Y. Rama Rao, Counsel for the respondents along with Smt. Priya Iyengar Advocate are present. The counsel for the petitioner stated that he requires two weeks to come back and to report the extent of compliance as also Senior Counsel appearing for petitioner is not available. He also stated that he has filed a memo on the steps being taken for compliance. The counsel for the respondent has no objection.

The Commission adjourned the hearing at the request of counsel for the petitioner.

Call on 05.07.2016
At 11.00 AM

Sd/-
Member

Sd/-
Chairman

R. P. (SR) No. 15 of 2016
IN
O. P. No. 92 of 2015

DE (O), TSSPDCL, Vikarabad, SAO (O), RR South, TSSPDCL & SE (O), TSSPDCL,
RR South Vs M/s Suguna Metals Limited & Vidyut
Ombudsman, Telangana State

Petition filed a review petition seeking review of the order dated 20.01.2016 under Section 94 (1) of the Electricity Act, 2003.

Sri. Ravindar Srivatsava Representative of Sri N. Vinesh Raj counsel for the respondent and Sri. Y. Rama Rao, Counsel for the review petitioners along with Smt. Priya Iyengar Advocate are present. The representative for the respondent stated that the counsel is unable to attend hearing as he is out of station. He sought adjournment of the matter. The counsel for the petitioners has no objection since the review petition is yet to be admitted.

The Commission adjourned the hearing at the request of representative of the counsel for the respondent on the condition that the counsel for the respondent shall be present and argue the matter on the next date of hearing.

Call on 22.06.2016
At 3.30 PM

Sd/-
Member

Sd/-
Chairman

O. P. No. 13 of 2016

M/s Sundew Properties Limited Vs TSSPDCL

Filed a petition questioning the action of the existing area distribution licensee (respondent) in seeking to disconnect the power supply.

Sri. P. Sri Ram Counsel for the petitioner and Sri. Y. Rama Rao, Counsel for the respondents along with Smt. Priya Iyengar Advocate are present. The counsel for the petitioner stated that he requires two weeks as Senior Counsel appearing for petitioner is not available. The counsel for the respondent has no objection and he has also reported that the existing licence is not taking any coercive steps to disconnect the power supply.

The Commission adjourned the hearing at the request of counsel for the petitioner.

Call on 05.07.2016
At 11.00 AM

Sd/-
Member

Sd/-
Chairman

O. P. No. 14 of 2016

M/s. Ushakiron Movies vs TSSPDCL

Filed an application seeking extension of the renewal of the exemption from having distribution license as granted in by Order dated 18.05.2012 by erstwhile APERC.

Sri. Dhulipala V.A.S. Ravi Prasad, Counsel for the petitioner and Sri. Y. Rama Rao, Counsel for the respondent along with Smt. Priya Iyengar Advocate are present. The counsel for the petitioner stated that the petition is for extension of exemption granted earlier by the then APERC. By this petition the petitioner is seeking extension of the same. The counsel for the respondent sought adjournment to file counter-affidavit and

also time to argue the matter. The counsel for the petitioner sought extension of the exemption, which expired on 31-03-2016.

The Commission pointed out that the petitioner may not be entitled to the relief as it is not satisfying the provisions of Act, 2003. In response, the counsel for the petitioner stated that since the respondent has not filed the counter-affidavit, he would argue the matter after filing of counter-affidavit and a reply by the petitioner, if necessitated. However, he requested for passing of an order for extending the exemption, which was subsisting till 31-03-2016 up to the next date of hearing.

The Commission ordered extension of the exemption till 05-07-2016 to which date the matter is adjourned. It was also made clear that both the counsels should be ready to argue the matter without fail.

Call on 05.07.2016
At 11.00 AM

Sd/-
Member

Sd/-
Chairman

O. P. No. 17 of 2016

Sri Allu Venkat Reddy vs TSTRANSCO

Filed an application seeking compensation for laying of towers and lines across his agricultural land u/s 67 (4) of the Electricity Act, 2003.

Petitioner filed an I. A. seeking for fixing of early date by advancing the hearing of the main case from 15.06.2016 (I. A. No. 3 of 2016)

Petitioner filed an I. A. seeking interim orders for utilising the solar power generated by it during night (I. A. No. 4 of 2016).

Sri. P. Chengal Reddy Counsel for the petitioner and Sri. Y. Rama Rao, Counsel for the respondent along with Smt. Priya Iyengar Advocate are present. The counsel for the petitioner made elaborate submissions with regard to erection of Towers and Lines across the agricultural lands without paying any appropriate compensation to the agriculturists. He sought to rely on the Act, 2003 and rules made thereunder, which were not given effect to by the licensee TSTRANSCO. It is also submitted by the counsel for the petitioner that there are several judgments of the Hon'ble Supreme and Hon'ble High Courts and the Appellate Tribunal for Electricity requiring payment

of compensation as also adjudication of disputes relating to payment of compensation by the appropriate Commission.

The counsel for the respondent while seeking time to file counter-affidavit in the matter on oral instructions stated that the TRANSCO made all out efforts to comply with the Act, 2003 as well as the rules made thereunder apart from following the Land Acquisition Act, 1894 along with Indian Telegraph Act, 1885. He also stated that Section 67(4) of the Act, 2003 envisages resolution of disputes relating to compensation in respect of laying of Towers and Lines, but entertaining the same would result in flooding the Commission with such cases only. It results in Commission being bogged down with litigation work leaving no space for regulatory exercise, which is the main activity of the Commission.

The Commission required licensee to place before it the complete facts in this particular case and also assist it in the matter of entertaining or otherwise of these type of cases with existing or other case law apart from rules applicable as made by the government. The matter is adjourned by four weeks.

Call on 22.07.2016
At 11.00 AM

Sd/-
Member

Sd/-
Chairman