

Record of proceedings dated 14.06.2016

O. P. No. 59 of 2015

And

I. A. No. 20 of 2015

M/s. KSK Mahanadi Power Company Limited vs TSSPDCL & TSNPDCL

Petition filed u/s 86(1) (f) of the Electricity Act, 2003 seeking resolution of disputes between it and the under the power purchase agreement dated 31.07.2012.

Sri. A. Sreekanth, DGM, Business Development being representative of the petitioner and Sri Y. Rama Rao, Counsel for the respondent along with Smt. Priya Iyengar, Advocate are present. The representative of the petitioner sought adjournment stating that the counsel is out of the country and would returned on 18.06.2016. He requested time of one week.

The counsel for the respondent has no objection for the adjournment. He further requested the Commission to pass an ad-interim order in view of the seeking of adjournment by the petitioner in respect of restraining the petitioner from invoking any of the financial instruments or provisions of the PPA as the term of PPA is coming to end on 15.06.2016. In this regard he has readout various provisions of the PPA as required by the Commission. He has pointed out that the Commission has powered under section 94 (2) of the Electricity Act, 2003 and Section 151 of the Code of Civil Procedure, 1908. This plea is made orally without any petition. The reason offered by the counsel is that the party has noticed the difficulty only today. To a pointed question by the Commission about the liability of the DISCOMs, it was replied that the figure would be Rs. 120 crores relating to four DISCOMs. On further clarification it is stated that the TSDISCOMs face a liability of Rs. 75 crores only.

Initially, there is no representation from the petitioner. In that situation, the Commission agreed to pass an ad-interim orders for a short period that is till the next date of hearing keeping the passing of full interim order subject to hearing of the petitioner. However, as the petitioner's representative turned up at the end of the hearing, it is decided that the DISCOMs shall file a petition immediately which will be numbered and an interim order as stated will be passed in respect of TSDISCOMs only and the liability as stated above.

Further, it has been made clear to both the parties that they will not resort to invoking any financial instruments or articles of the PPA till the Commission hears and disposes of the I.A. that may be filed today itself by 4.00 PM. The matter is adjourned to 22.06.2015 at 3.00 PM.

Sd/-
Member

Sd/-
Member

Call on 22.06.2016
At 3.00 PM
Sd/-
Chairman

O. P. No. 60 of 2015

DISCOMS & APPCC vs M/s KSK Mahanadi Power Company Ltd., & 4 others

Petition u/s 86(1) (f) of the Electricity Act, 2003 for directions on illegal claim of Rs. 66.31 crores towards the transmission charges for the period 16th June, 2013 to 13th August, 2013 and capacity charges for the period 16th June, 2013 to 26th July, 2013 by illegal invoking letter of credit by M/s KSK Mahanadi Power Company Ltd., for the period without supplying power to the petitioners.

Sri. A. Sreekanth, DGM, Business Development being representative of the respondent and Sri Y. Rama Rao, Counsel for the petitioner along with Smt. Priya Iyengar, Advocate are present. The representative of the respondent sought adjournment stating that the counsel is out of the country and would returned on 18.06.2016. He requested time of one week.

The counsel for the petitioner has no objection for the adjournment. He further requested the Commission to pass an ad-interim order in view of the seeking of adjournment by the petitioner in respect of restraining the respondent from invoking any of the financial instruments or provisions of the PPA as the term of PPA is coming to end on 15.06.2016. In this regard he has readout various provisions of the PPA as required by the Commission. He has pointed out that the Commission has power under section 94 (2) of the Electricity Act, 2003 and Section 151 of the Code of Civil Procedure, 1908. This plea is made orally without any petition. The reason offered by the counsel is that the party has noticed the difficulty only today. To a pointed question by the Commission about the liability of the DISCOMs, it was replied that the figure would be Rs. 120 crores relating to four DISCOMs. On further clarification it is stated that the TSDISCOMs face a liability of Rs. 75 crores only.

Initially, there is no representation from the petitioner. In that situation, the Commission agreed to pass ad-interim orders for a short period that is till the next date of hearing keeping the passing of full interim order subject to hearing of the respondent. However, as the respondent's representative turned up at the end of the hearing, it is decided that the DISCOMs shall file a petition immediately which will be numbered and an interim order as stated will be passed in respect of TSDISCOMs only and the liability as stated above.

Further, it has been made clear to both the parties that they will not resort to invoking any financial instruments or articles of the PPA till the Commission hears and disposes of the I.A. that may be filed today itself by 4.00 PM. The matter is adjourned to 22.06.2015 at 3.00 PM.

Sd/-
Member

Sd/-
Member

Call on 22.06.2016
At 3.00 AM
Sd/-
Chairman

O. P. No. 68 of 2015
And
I.A. No. 19 of 2015

M/s. KSK Mahanadi Power Company Ltd., Vs TSSPDCL & TSNPDCL

Petition filed u/s 86(1) (f) of the Electricity Act, 2003, seeking resolution of disputes between it and the under the power purchase agreement dated 31.07.2012.

Sri. A. Sreekanth, DGM, Business Development being representative of the petitioner and Sri Y. Rama Rao, Counsel for the respondent along with Smt. Priya lyengar, Advocate are present. The representative of the petitioner sought adjournment stating that the counsel is out of the country and would returned on 18.06.2016. He requested time of one week.

The counsel for the respondent has no objection for the adjournment. He further requested the Commission to pass an ad-interim order in view of the seeking of adjournment by the petitioner in respect of restraining the petitioner from invoking any of the financial instruments or provisions of the PPA as the term of PPA is coming to end on 15.06.2016. In this regard he has readout various provisions of the PPA as required by the Commission. He has pointed out that the Commission has powered

under section 94 (2) of the Electricity Act, 2003 and Section 151 of the Code of Civil Procedure, 1908. This plea is made orally without any petition. The reason offered by the counsel is that the party has noticed the difficulty only today. To a pointed question by the Commission about the liability of the DISCOMs, it was replied that the figure would be Rs. 120 crores relating to four DISCOMs. On further clarification it is stated that the TSDISCOMs face a liability of Rs. 75 crores only.

Initially, there is no representation from the petitioner. In that situation, the Commission agreed to pass an ad-interim orders for a short period that is till the next date of hearing keeping the passing of full interim order subject to hearing of the petitioner. However, as the petitioner's representative turned up at the end of the hearing, it is decided that the DISCOMs shall file a petition immediately which will be numbered and an interim order as stated will be passed in respect of TSDISCOMs only and the liability as stated above.

Further, it has been made clear to both the parties that they will not resort to invoking any financial instruments or articles of the PPA till the Commission hears and disposes of the I.A. that may be filed today itself by 4.00 PM. The matter is adjourned to 22.06.2015 at 3.00 PM.

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