



**TELANGANA STATE ELECTRICITY REGULATORY COMMISSION
HYDERABAD.**

5th Floor, Singareni Bhavan Lakdikapul Hyderabad 500004

R. P. No. 1 of 2020

in

O. P. No. 33 of 2018

Dated: 08.02.2020

Present

Sri. T. Sriranga Rao, Chairman
Sri. M.D. Manohar Raju, Member (Technical)
Sri. Bandaru Krishnaiah, Member (Finance)

Between:-

Northern Power Distribution Company of Telangana Ltd.,
H.No. 2-5-31/2, Corporate Office, Vidyut Bhavan,
Nakkalgutta, Warangal – 506001. Review Petitioner / Respondent No. 2.

AND

1. M/s. Mytrah Adarsh Power Private Limited,
8th Floor, Q – City, S. No. 109,
Nanakramguda, Gachibowli, Hyderabad – 500 032. Respondent / Petitioner.
2. Southern Power Distribution Company of Telangana Limited,
Corporate Office, # 6-1-50, Mint Compound,
Hyderabad – 500 083.
3. Special Chief Secretary, Energy Department,
Government of Telangana, Telangana Secretariat,
Khairatabad, Hyderabad. ... Respondents / Respondents No. 1 & 3. (Not necessary
parties in the review petition).

This petition came up for hearing on 25.01.2020 in the presence of Sri. Y. Rama Rao, Standing Counsel for the review petitioner / respondent No. 2 and Sri. M. Sridhar, Advocate representing Sri. Challa Gunaranjan, Advocate for the respondent / petitioner having been heard and having stood over for consideration to this day, the Commission passed the following:

ORDER

M/s. Northern Power Distribution Company of Telangana Limited (TSNPDCL) (review petitioner) has filed the review petition under section 94 (1) (f) of the Electricity Act, 2003 (Act, 2003) read with clause 32 of the conduct of Business Regulation, 2015 seeking review of the order dated 22.10.2018 passed in O. P. No. 33 of 2018 filed by M/s. Mytrah Adarsh Power Private Limited.

2. The review petitioner stated the brief facts of the petition are as below.
 - i. It is stated that M/s. Mytrah Adarsh Power has entered into power purchase agreement (PPA) on 08.03.2016 to set up 15 MW solar power project under competitive bidding, 2015 in group – I category with interconnection point at 132 / 33 KV Reddypet SS at 33 KV voltage level with tariff Rs. 5.7249 per unit.
 - ii. It is stated that as per the terms of PPA, developer has to commission the project within 12 months from the effective date of signing of the PPA that is 07.03.2017 and the maximum time period allowed for commissioning of the full project capacity with encashment of performance bank guarantee and payment of liquidated damages shall be limited to twenty one (21) months from the effective date of this agreement that is on or before 07.12.2017. The developer has commissioned the total project capacity of 15 MW on 05.12.2017.
 - iii. It is stated that as per the clause 3.8.1 of the PPA, the solar power developer shall give a notice in writing to the SLDC and DISCOM at least 15 days before the date on which it intends to synchronize the project to the grid systems.
 - iv. It is stated that the developer has requested for synchronization permission on 27.11.2017 without submission of CEIG report and CEIG report was submitted on 29.11.2017, then synchronization permission was given by the Chief General Manager (IPC & RAC) vide letter dated 04.12.2017. Consequently, the plant was synchronised to the grid total capacity of 15 MW on 05.12.2017.

3. The review petition has raised the following grounds for review of the order.
- i. The is contrary to facts, material on record and probabilities of the case.
 - ii. As per the TSTRANSCO guidelines, the synchronization shall be done only after ensuring the readiness of the plant in all aspects and the following approvals should be required from the concerned authorities for the synchronization of the plant to the grid.
 - a. CEIG approval from the Chief Electrical Inspector.
 - b. Work completion report from the Chief Engineer / Zone / TSTRANSCO.
 - c. Calibration and testing of 3 Nos. ABT meters of 0.2s class and 2 sets of CTs and PTs as per NABL accredited lab test reports.
 - d. EBC software compatibility report from SE / EBC / TSTRANSCO, Hyderabad.
 - e. SLDC clearance certificate from the Chief Engineer / SLDC.

After fulfilment of the above, the CGM / IPC & RAC, TSDISCOMs shall issue approval for synchronization and formation of synchronization committee to supervise the physical synchronization of the project.

iii. It is stated that the Commission passed the order on the basis of SLDC letter from Chief Engineer / SLDC dated 17.10.2017, but SLDC letter is not only enough to issue synchronization approval. This letter will be issued by CE / SLDC after ensuring the data acquisition system is installed in the plant and data communication is established with SLDC.

- iv. It is stated that the developer has furnished the required documents on various dates for synchronization of the plant.
- a. CEIG approval from the Chief Electrical Inspector submitted on 29.11.2017 which is must for synchronization of the plant.
 - b. Work completion report from Chief Engineer / Karimnagar Zone / TSTRANSCO dated 23.11.2017, thus the work was completed only on 23.11.2017.
 - c. Calibration and testing of 3 Nos ABT meters of 0.2s class and dated 26.08.2017 2 sets of CTs and PTs (as per NABL accredited lab test reports).

d. EBC software compatibility report from SE / EBC dated 08.11.2017
TSTRANSCO, Hyderabad.

e. SLDC clearance certificate from the Chief Engineer / SLDC dated
17.10.2017.

v. It is stated that the Government of Telangana in its letter dated
23.08.2017 has allowed extension of four additional months relating to SCOD
up to 31.10.2017 to the solar power projects in the state, who have
participated in bidding, 2015.

4. The review petitioner has stated that the Commission may review the order
dated 22.10.2018 in the light of the aforesaid facts and circumstances and the
Commission may be pleased to condone the delay upto 31.10.2017 only instead of
05.12.2017 as per the SCOD extension orders given by the government.

5. Heard the submissions of the counsel for the review petitioner / respondent
No. 2. Though the representative of the respondent / petitioner marked his
attendance, but did not state anything during the course of hearing.

6. It is stated by the standing counsel for the review petitioner that they have
filed a memo jointly indicating their intention of resolving the matter and correcting
the date of extension of SCOD. The Memo is noticed by us and it reads as follows.

“This O. P. was disposed on 22.10.2018. The dispute in this case was
regarding extension of SCOD / synchronization of the project up to 05.12.2017,
which was condoned in O. P. No. 35 of 2018 with similar facts, the delay in
achieving SCOD was found to be 35 days, subject to penalty.

In view of the different conclusions in the two O. Ps. (OP No. 33 of 2018 & 35
of 2018), the Discom as well as the petitioner herein are agreeing to the
period of delay in reaching the SCOD as 35 days in this O. P. No. 33 of 2018
to correct the discrepancy for which the penalty has to be paid in this O. P.,
under Article 10.5 of the PPA.”

7. In view of the understanding reached by the parties, the same is made as order of the Commission and the original order passed by this Commission in O. P. No. 33 of 2018 stands corrected to that effect.

8. Subject to the above observations, the review petition is disposed of, no costs.

This order is corrected and signed on this the 8th day of February, 2020.

Sd/-	Sd/-	Sd/-
(BANDARU KRISHNAIAH)	(M.D. MANOHAR RAJU)	(T. SRIRANGA RAO)
MEMBER	MEMBER	CHAIRMAN

//TRUE COPY//