



TELANGANA STATE ELECTRICITY REGULATORY COMMISSION
5th Floor, Singareni Bhavan, Red Hills, Hyderabad-500 004

I. A .No. 26 of 2015

In

O. P. No. 4 of 2015

Dated: 25.08.2015

Present

Sri. Ismail Ali Khan, Chairman
Sri. H. Srinivasulu, Member
Sri. L. Manohar Reddy, Member

Between

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

AND

M/s. Gayatri Sugars Ltd.
B-2, 2nd Floor, 6-3-1090,
TSR Towers, Raj Bhavan Road,
Somajiguda, Hyderabad – 500 082
Telangana.

...Respondent / Petitioner

Government of Telangana
Department of Power, Secretariat,
Hyderabad.

.... Respondent / Respondent No. 1

The petition having been taken on file and having stood over for consideration before the Commission till this date, the Commission passed the following.

ORDER

The petitioner in this petition has filed an interlocutory application seeking extension of time for complying the order dated 17.07.2015 passed by the Commission in the original petition mentioned above in favour of respondent No. 1 in this petition.

2. The petitioner stated that the respondent herein have filed the above O. P. No. 4 of 2015 seeking adjudication of the dispute between the parties herein seeking determination of tariff in terms of order passed by the erstwhile APERC dated 22.06.2013.

3. The petitioner stated that the Commission was pleased to pass an interim order dated 17.07.2015 directing the licensee (petitioner) to pay 30% of the principal amount claimed by the petitioner (that is present respondent) pursuant to data relating energy and amount filed before the Commission as an interim measure and further directed to comply the order by 24.07.2015.

4. The petitioner stated that the interim order dated 17.07.2015, same was received by this respondent (present petitioner) on 21.07.2015 vide Lr. No. S.22 / Secy / 2015-4, dated 20.07.2015. The present petitioner that is the respondent in the original petition stated as follows. "I further submit that immediately after receiving the copy I obtained necessary instruction from the concerned and approached the counsel to obtain an opinion in view of the monetary issue is involved. It is further submitted that the time granted by the Commission is only limited to 3 clear days from the date of receipt of the order for complying the order. The respondent being a government company and involvement of monetary issue same has to be complied after due deliberations and approval of the concerned in the company. Therefore the respondent could not comply the condition imposed by the Commission within stipulated period of time. The non-compliance of the order of the Commission is neither wilful nor wanton, but due to the above stated facts and circumstances only. Therefore, without prejudice to other rights it is just and necessary to extend the time granted by the Commission for a further period of 4 weeks to comply the same, otherwise TSNPDCL will be put to great hardship and irreparable loss".

5. The petitioner therefore prayed that the Commission may be pleased to extend the time to comply with the orders of this Hon'ble Commission dated 17.07.2015 passed in O P No. 4 of 2015.

6. In the meanwhile the original petition came up for hearing on 11.08.2015. The Commission recorded the proceedings for the said date as follows:

“Sri S.Rambabu, Counsel for petitioner of original petition along with Sri. S Murali Krishna representative of the petitioner and Sri Y.Rama Rao, counsel for the respondent are present. Counsel for the respondent filed additional submissions. With reference to Hon’ble APTEL order, Commission raised issues as pointed below and directed the counsel for the parties to submit their respond on those issues.

- a) Which control period orders of the Commission is applicable in the case, whether it is control period FY 2004-05 to 2008-09 or FY 2009-10 to 2013-14.
- b) Whether Hon’ble ATE order is for determination of only variable cost or both fixed cost and variable cost in view of the submission of the DISCOM’s counsel that the variable cost is only payable from year 2009.
- c) Clear calculations regarding the number of units supplied by the petitioner is to be confirmed by the licensee as the tariff have to be paid for such units only.
- d) What is the interpretation to be given to the clause 2.2 of the PPA.
- e) Does it not amount to opening a pandoras box if the determination is to be done afresh.
- f) If coal generation is made in off season, indicate the number of units are generate pursuant to government order as such units have to be omitted for payment of tariff now to be determined.

Commission ascertained as to why the interim order as passed by it has not been implemented till date, eventhough specific date has been fixed for implementation. To this the counsel for respondent (that is present petitioner) specifically replied that the process is underway and therefore, the licensee has been sought extension of time sought by the licensee. However, on instructions from his client, which he has obtained immediately through the representative, who is present from the Managing Director upon requirement of the Commission to do so immediately, emphatically stated that the order would be implemented by the licensee on or before 25.08.2015 and compliance filed thereof.

Commission directed the counsel for the respondent to make payment by 25.08.2015 with reference to interim order already passed and posted to

25.08.2015 for further hearing. **There will not be any further adjournment on any pretext”.**

7. In view of the observations and specific direction to comply with the order dated 17.07.2015 by 25.08.2015, as recorded in the last hearing on 11.08.2015, the present petition has worked out itself.

8. Accordingly and in these circumstances stated above, the petition seeking extension of time by the petitioner, licensee does not survive and therefore the same is dismissed. However, the parties shall bear their own costs.

This order is corrected and signed on this 25th day of August 2015

Sd/-
(L MANOHAR REDDY)
MEMBER

Sd/-
(H SRINIVASULU)
MEMBER

Sd/-
(ISMAIL ALI KHAN)
CHAIRMAN

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