



TELANGANA ELECTRICITY REGULATORY COMMISSION
'Vidyut Niyamtran Bhavan', G.T.S. Colony, Kalyan Nagar, Hyderabad 500 045

I. A. No. 9 of 2025

IN

O. P. No. 25 of 2025

Dated 29.04. 2025

Present

Dr. Justice Devaraju Nagarjun, Chairman

Between:

TGGENCO

...Petitioner

AND

NIL

...Respondent

1. The petitioner / Chairman and Managing Director of TGGENCO has filed this application seeking condonation of delay of 86 days in filing the Annual Tariff Petition for FY 2025-2026 for approval of the Aggregate Revenue Requirement (ARR) and proposed revised Generation Tariff of Generation Business of TGGENCO as per TGERC Multi Year Tariff (MYT) Regulation No. 2 of 2023.

2. Heard the petitioner and stakeholders, perused the records.

3. As per Clause 6.2 (e) of Regulation No. 2 of 2023, after the 1st year of control period the annual petition by transmission licensee, distribution licensee and TGS LDC shall comprise true-up for preceding year, ARR for the control period of ensuing year, proposed revised tariff, charges for ensuing year of the control period and to be filed on or before 30.11.2024. However, TGGENCO has filed the petition as referred above on 24.02.2025, with a delay of about 86 days.

4. During the public hearing held on 24.03.2025, Sri B. Lakshmaiah, Director (Thermal) has submitted that this Commission has issued orders in tariff petition order for the generation business for the 5th Multi Year Tariff for FY 2024-2025 to FY 2028-2029 on 28.10.2024 and that there was hardly any time to go through and analyse the orders passed by this Commission on 28.10.2024 and thereby this petition could not be filed as per the regulation on or before 30.11.2024.

5. The stakeholders have raised the following objections to the submission of CMD for condoning the delay in filing the petitions.

a. The delay to determine the tariff for KTHPP-II can result in financial uncertainty and potential revenue losses for TGDISCOMs. It may also lead to increased financial liabilities and reduced creditworthiness, impacting future borrowing and investment capabilities.

b. It would lead to under-estimation of the ARR of TGGenco for the FY 2025-26 and the impact of the same cannot be factored in the ARR of TGDISCOMs for the next financial year. Had they been decided and factored in the ARR of DISCOMs for 2025-26, in view of the proposal of the DISCOMs, obviously, at the behest of GoTG, not to hike tariffs to all categories of consumers, the additional burden that would arise on account the said three petitions would not have been imposed on the consumers as a part and parcel of retail tariffs for the next financial year.

6. The Fee Regulation No. 2 of 2016 as amended in regulation no. 2 of 2022 goes to show that in case if the petition is filed beyond the timelines fixed under regulation no. 2 of 2023, the petitioners can be levied with penalty of an amount of Rs. 5,000/- per day for the first 30 days and after 30 days Rs. 1,50,000/- plus Rs. 10,000/- per day until the petition is submitted. That means harmonious reading of these two provisions in respect of timelines of filing the petition as per regulation no. 2 of 2023 and the fee regulation no. 2 of 2016 as amended, it is clear that the petitions can also be filed beyond the timelines as prescribed under regulation no. 2 of 2023. Therefore, even the petitions are filed beyond the timeline, they can be admitted for procedure and the orders can be passed. Imposition of penalty would arise when the reasons for delay are not convincing.

7. In case on hand, on account of delay in passing the orders by this Commission, delay in filing the petition occurred. As per the regulations, this

Commission was expected to pass Multi Year Tariff for the period FY 2024-2025 to FY 2028-2029 on or before 31st of March 2024. Once Multi Year Tariff has been fixed by this Commission, then the petitioner will get an opportunity to prepare the plans for the next financial year and submit the revised petition for FY 2025-26. However as observed above, this Commission has passed orders in MYT for FY 2024-2025 to FY 2028-2029 on 28.10.2024 which should have been passed in the month of March 2024. Therefore, as rightly submitted by learned CMD of the TGGENCO there was no time for the TGGENCO to go through the orders and prepare the revised proposals for FY 2025-2026. Therefore, the submissions made by the petitioner in respect of the reasons for filing the petition for delay of 86 days can be accepted and the delay can be condoned.

8. In view of the discussion above, the application for condoning the delay of 86 days in filing O. P. No. 25 of 2025 is hereby allowed and the delay condoned.

This Order is typed to dictation, corrected and signed on this 29th day of April, 2025.

(Dr. JUSTICE DEVARAJU NAGARJUN)
CHAIRMAN

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