

Record of Proceedings dated 02.11.2017

I. A. No. 1 of 2016
in
O. P. No. 88 of 2015

M/s. Exhibition Society Vs Nil

Application filed u/s 94 (1) (f) of the Electricity Act, 2003 seeking restoration of the original petition for exemption from license under Section 13 of Electricity Act, 2003

There is no representation for the petitioner. The Commission while expressing displeasure that the matter was earlier dismissed for default for non-prosecution, still the petitioner is not pursuing the matter properly. The matter is adjourned on the condition that the Counsel for the petitioner shall be present to argue the matter without fail, hence, the Commission will be having no option, but to dismiss the petition for non-prosecution, as such, on the next date of hearing no adjournment for whatever reason will not be granted.

Sd/-
Member

Sd/-
Chairman

O. P. No. 6 of 2015
And
I. A. No. 28 of 2015

M/s Rithwik Power Projects Limited vs TSNPDCL

Petition filed seeking directions to the Licensee for payment of tariff for the additional capacity of 1.5 MW at the rate being paid to existing 6 MW power plant.

Filed an I.A seeking to amend the title in the original petition.

Sri. Challa Gunaranjan, counsel for the petitioner and Ms. Pravalika, Advocate alongwith Smt. Nanditha, Advocate representing Sri. Y. Rama Rao, Standing Counsel for the respondent are present. The counsel for the petitioner sought time, stating that he would obtain necessary instructions from the original petitioner. The advocate representing for respondent, has no objection. Accordingly adjourned to 16.11.2017.

Call on 16.11.2017 at 11.00 A.M.

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. K. Gopal Chowdary, counsel for the petitioner and Ms. Pravalika, Advocate alongwith Smt. Nanditha, Advocate representing Sri. Y. Rama Rao, Standing Counsel for the respondent are present. The counsel for the petitioner stated that the Commission directed submission of proposals for providing single point supply. Accordingly, the licensee has filed necessary proposals for consideration of the Commission, which fact has come to light only recently. He also stated that according to cursory reading there are acceptable and unacceptable points. The same needs to be appraised by the petitioner also. Therefore, he requested the Commission for a copy of the same to be provided to him.

The Commission sought to know from the counsel for the petitioner as to whether he intends to file any view points on the subject. In response the counsel for the petitioner stated that the petitioner is not entitled to the relief sought, the Commission may consider providing some mechanism and whereby the petitioner would continue the arrangements or otherwise based on such scheme of things.

The Commission emphasized the fact that the proposals were made by the licensee and they are being considered. Views that may be expressed independently on the issue, which would benefit the Commission in moving forward on the issue. In fact, the Commission had taken a call and had discussions with the licensees. After formulating proper rules as authorized by the Act, the issue will be decided by duly calling for the comments from all the stakeholders. The office is directed to provide a copy of the proposals made by the licensee. The Commission is also inclined to invite the counsel for the petitioner for discussion whenever the subject is taken up for consideration through a meeting. Keeping in view the status as obtained above, the matter is adjourned without any date.

Sd/-
Member

Sd/-
Chairman

O. P. No. 20 of 2016

M/s. Sugna Metals Limited Vs. Officers of TSSPDCL

Petition filed seeking for questioning the action of DISCOM in not implementing the order of the CGRF and to punish the licensee under sec. 142 of Electricity Act, 2003.

Sri. N. Vinesh Raj, counsel for the petitioner and Ms. Pravalika, Advocate alongwith Smt. Nanditha, Advocate representing Sri. Y. Rama Rao, Standing Counsel for the respondent are present. The counsel for the petitioner stated that the order of the CGRF has not been implemented as yet and as they have filed counter affidavit, he needs time to file re-joinder.

The advocate representing the standing counsel for the respondents sought adjournment of the matter. On being confronted by the Commission as to non-implementation of the order of the CGRF, she said that writ proceedings have been initiated against the order of the CGRF and orders are awaited in the matter.

The Commission while emphatically making it clear that no adjournment will be granted in the matter, also required the licensee to implement the order of the CGRF without fail and report by the next date of hearing. Absence of action by the licensee would entail serious action by the Commission. The Commission adjourned the hearing.

Call on 27.11.2017 at 11.00 A.M.

Sd/-
Member

Sd/-
Chairman

O. P. No. 21 of 2016

Sri Akthar Ahmed Vs. Officers of TSSPDCL

Petition filed seeking for questioning the action of DISCOM in not implementing the order of the c|GRF and to punish the licensee under sec. 142 of Electricity Act, 2003.

Sri. N. Vinesh Raj, Advocate for the petitioner and Ms. Pravalika, Advocate alongwith Smt. Nanditha, Advocate representing Sri. Y. Rama Rao, Standing Counsel for the respondent are present. The counsel for the petitioner stated that no steps were taken to implement the order of the CGRF regarding the shifting of the line despite the orders of the Commission so far. The advocate stated that the petitioner is required to pay the necessary charges for shifting the line. In reply the counsel for the petitioner

pointed out that the CGRF ordered for shifting of the line at the cost of the distribution company only.

The Commission expressed its displeasure that the action was not taken to shift the line. As the concerned officer Sri Ram Singh, ADE was present in the Court Hall, the Commission has specifically sought to note as to why the order was not implemented and according to rules what is the required distance to be maintained between the premises and the line under the rules. It also sought to know as to what is the conductor capacity that is 11 KV or 33 KV. At this stage, the counsel for the petitioner brought to the notice of the Commission the photographs which showed that the line was very close to the premises. The officer was not in a position to state as to why the order has not been implemented and the required distance to be maintained for a 11 KV line from the premises. Noticing the unsatisfactory reply by the advocate and the officer, the Commission noted that in the event of non-shifting of the line, if any untoward incidents occur then the distribution licensee and its officer are only responsible and action would be initiated against them.

The Commission made it clear to the officer that he shall comply with the order of the CGRF and report to the Commission on the next date of hearing without fail. The matter is adjourned.

Call on 27.11.2017 at 11.00 A.M.

Sd/-
Member

Sd/-
Chairman

O. P. No. 27 of 2016

M/s. Sugna Metals Limited Vs. Officers of TSSPDCL

Petition filed seeking for questioning the action of DISCOM in not implementing the order of the CGRF and to punish the licensee under sec. 142 of Electricity Act, 2003.

Sri. N. Vinesh Raj, counsel for the petitioner and Ms. Pravalika, Advocate alongwith Smt. Nanditha, Advocate representing Sri. Y. Rama Rao, Standing Counsel for the respondent are present. The counsel for the petitioner stated that the order of the CGRF has not been implemented as yet and as they have filed counter affidavit, he needs time to file re-joinder.

The advocate representing the standing counsel for the respondents sought adjournment of the matter. On being confronted by the Commission as to non-implementation of the order of the CGRF, she said that writ proceedings have been initiated against the order of the CGRF and orders are awaited in the matter.

The Commission while emphatically making it clear that no adjournment will be granted in the matter, also required the licensee to implement the order of the CGRF without fail and report by the next date of hearing. Absence of action by the licensee would entail serious action by the Commission. The Commission adjourned the hearing.

Call on 27.11.2017 at 11.00 A.M.

Sd/-
Member

Sd/-
Chairman

R. P. (SR) No. 46 of 2016
In
O. P. Nos. 6 & 7 of 2016

M/s. Salasar Iron and Steel Private Ltd. Vs. TSDISCOMs

Petition filed seeking review of the tariff order dated 23.06.2016 passed in O. P. for FY 2016-17 insofar as regards KVAH billing of energy on consumers.

Sri. N. Vinesh Raj, Advocate for the petitioner and Ms. Pravalika, Advocate alongwith Smt. Nanditha, Advocate representing Sri. Y. Rama Rao, Standing Counsel for the respondent are present. The counsel for the petitioner stated that the issue raised in the review petition with regard to the changing the billing pattern from KWH to KVAH is pending before the Hon'ble Supreme Court and he would like to take instructions from the party on prosecuting or otherwise of this review petition. Therefore, he needs time. The advocates representing the standing counsel also agreed about the pendency of the case before the Hon'ble Supreme Court as the Hon'ble High Court has held in favour of the licensee. Accordingly, the matter is adjourned.

Call on 27.11.2017 at 11.00 A.M.

Sd/-
Member

Sd/-
Chairman

O. P. No. 2 of 2017

M/s. NSL Krishnaveni Sugars Ltd. Vs. TSDISCOMs

Petition filed seeking for determination of tariff for 28.2 MW bagasse based cogeneration project consequent to the directions to purchase power under long term PPA

Sri. K. Gopal Chowdary, Advocate alongwith Sri. Challa Gunaranjan, counsel for the petitioner and Ms. Pravalika, Advocate alongwith Smt. Nanditha, Advocate representing Sri. Y. Rama Rao, Standing Counsel for the respondent are present. The advocate stated that the matter needs to be argued and he needs time, but in the meantime as the sugar season is starting an interim arrangement for payment of tariff may be made. On behalf of the standing counsel specific request for adjournment is made by the advocates as the standing counsel is out of station.

The Commission sought to know how and under what provision it should determine the tariff for the petitioner's project and why there is requirement of interim order in the absence of any basis under law for doing so. The advocate sought to place all relevant argument including the provisions of the law on the next date of hearing without fail.

The Commission adjourned the hearing in view of the request made by the both the parties.

Call on 16.11.2017 at 11.00 A.M.

Sd/-
Member

Sd/-
Chairman

O. P. No. 6 of 2017

&

I. A. No. 21 of 2017

M/s. Mytrah Vayu (Godavari) Pvt. Ltd. Vs. TSSPDCL & TSTRANSCO

Petition filed seeking to amend the PPA concerning evacuation and metering arrangements.

I. A. filed seeking for directions to the respondents to release the withheld payments to the tune of Rs. 21.75 crores immediately and to pay the monthly power purchase bills regularly.

Sri. Challa Gunaranjan, counsel for the petitioner and Ms. Pravalika, Advocate alongwith Smt. Nanditha, Advocate representing Sri. Y. Rama Rao, Standing Counsel for the respondent are present. The counsel for the petitioner stated that as per the directions of the Commission dated 29.06.2017, the licensee has paid the amounts due upto May, 2017 to the extent of 75%. He also stated that the subsequent period amounts have been withheld and the same is to the extent of Rs. 50 crores for the supply made by the petitioner.

The Commission pointed out that by its order the licensee was also directed to file the PPA for consent and a petition for revisiting the tariff. While the PPA is filed for consent, the necessary petition for tariff has not been filed by the licensee as yet. It also noted the fact that the petition was originally filed for correcting the PPA in respect of metering conditions and to bring it inline with metering regulation. But, in the present argument seems to be contrary to the same. The counsel for petitioner stated that the petitioner has not been informed of the developments going on with the Commission by the licensee. He came forward to file necessary petition for obtaining consent to the PPA.

The Commission having noticed that the consent to the PPA on regulatory side is yet to be issued and as it had already required the licensee to file a petition for tariff determination, in the absence of the standing counsel, was not inclined to proceed further in the matter. Therefore, the matter is adjourned.

Call on 16.11.2017 at 11.00 A.M.

Sd/-
Member

Sd/-
Chairman

O. P. No. 7 of 2017

M/s. SBQ Steels Limited Vs. TSTRANSCO, TSDISCOMs & TSPCC

Petition filed seeking for claiming of compensation on the bills payable under the power purchase order dated 20.06.2015 & 26.05.2016.

Sri. Challa Gunaranjan, Counsel for the petitioner and Ms. Pravalika, Advocate alongwith Smt. Nanditha, Advocate representing Sri. Y. Rama Rao, Standing Counsel for the respondent are present. The counsel for the petitioner stated that earlier on behalf of the petitioner, memo had been filed seeking to withdraw the present petition, however, the same was returned and required filing of interlocutory application. But,

the counsel for the petitioner without going into that aspect, sought permission to withdraw the same with liberty to approach the Commission afresh. The advocates for the standing counsel for the respondent have no objection.

The Commission required the counsel for the petitioner to file a statement or else endorse his request on the petition itself. The counsel for the petitioner has agreed to endorse on the petition and recorded that the petitioner 'may be permitted to withdraw the O. P. with liberty to approach the Commission if need arises'. Accordingly, the request of the petitioner is agreed to and the petition is dismissed as withdrawn, but with a liberty to approach the Commission if need arises.

Sd/-
Member

Sd/-
Chairman

O. P. No. 11 of 2017

M/s. Sugna Metals Limited Vs. Officers of TSSPDCL

Petition filed seeking to punish the officers of the TSSPDCL for not implementing the orders of the Commission passed in O. P. No. 92 of 2015.

Sri. N. Vinesh Raj, Advocate for the review petitioner and Ms. Pravalika, Advocate alongwith Smt. Nanditha, Advocate representing Sri. Y. Rama Rao, Standing Counsel for the respondent are present. The counsel for the petitioner stated that as per the directions of the Commission, the licensee was required to comply with the order of the CGRF and pay Rs. 10,000/- as penalty. The order is complied with belatedly by duly issuing the revised bill. However, the payment in respect of penalty imposed has not been complied with. Therefore, they are required to take steps to pay the penalty and other charges as required under law. The advocates appearing for the standing counsel stated that they are in the process of preferring appeal / petition, therefore, they need time to comply with the order, based on the orders in the appeal / petition.

The Commission made it clear that the penalty need to be paid by the next date of hearing and report the compliance thereof. The matter is adjourned.

Call on 27.11.2017 at 11.00 A.M.

Sd/-
Member

Sd/-
Chairman