

Record of Proceedings dated 02.05.2018

O. P. No. 19 of 2017

TSDISCOMs Vs. – Nil –

Petition filed seeking determination of pooled costs for the FY 2016-17 to be considered in FY 2017-18.

Sri. Y. Rama Rao, Standing Counsel for the petitioners alongwith Sri. M.V.R. Prasad, Advocate is present. The counsel for the petitioner stated that this is a petition for determination of pooled cost for the FY 2016-17 to be considered in FY 2017-18. The same may be considered and necessary orders may be passed for implementation of the DISCOMs. Heard and reserved for orders.

Sd/-
Chairman

I. A. No. 3 of 2017
in
O. P. No. 76 of 2015

M/s. Federation of Telangana & Andhra Pradesh Chambers of Commers & Industry
Vs.
TSDISCOMs

Application filed seeking modification of the tariff order for the year 2015-16 in respect of RO / water processing plants.

Smt. T. Sujatha, Deputy Director of the petitioner association and Sri. Y. Rama Rao, Standing Counsel for the respondents alongwith Sri. M.V.R. Prasad, Advocate are present. The counsel for the respondents stated that the directions given by the Commission earlier have been complied with. A nodal officer has been designated to look into the issues of the R.O. plants. The Chief General Manager (Comml.) who was authorized on the issue has submitted a report to the Commission. It is the statement of the officer that only three consumers have approached the nodal officer and the said cases have been verified and found to be in order. Though the complaint is relating to several consumers, nobody else approached the nodal officer. Moreover the action of the concerned officers is in accordance with the terms and conditions of supply. No summary could be deduced from the report.

On the other hand, the officer representing the federation emphatically pointed out that the issue is not merely of back billing charges as conveyed by the

counsel for the respondents, but also involves change of category of service connections from LT III to LT II. This is done all of a sudden by way of inspection without notice and that too based on some internal circular issued by the DISCOM to its officers. It is her case that the Commission clarified the position with regard to the category only in the tariff order for FY 2016-17 and 2017-18, whereas the issue is relating to the year 2015-16 and preceding years, where actually the service was released to individual R.O. plants in LT III only.

At this stage, the Commission sought to know what is the impact of changing the category and the amount involved in difference to both the categories. The representative of the federation sought time to place on record all the details and also the likely out flow of finances of the R.O. plants resulting in likely closure of them. Based on the submissions, the respondents are also to state their version on the issue by giving necessary details as well as the financial implications for the licensee including the waiver of interest, if any.

The federation shall file its report by 19.05.2018 and the DISCOMs shall report their version within a week thereafter. Both the sides are required to exchange their respective reports while filing with the Commission.

Adjourned, call on 02.06.2018 at 11.00 A.M.

Sd/-
Chairman

I. A. No. 4 of 2017
in
O. P. No. 76 of 2015

Sri Ashok Bukka Vs. TSDISCOMs

Application filed seeking modification of the tariff order for the year 2015-16 in respect of RO / water processing plants.

Sri. Bukka Ashok petitioner and Sri. Y. Rama Rao, Standing Counsel for the respondents alongwith M.V.R. Prasad, Advocate are present. The counsel for the respondents stated that the directions given by the Commission earlier have been complied with. A nodal officer has been designated to look into the issues of the R.O. plants. The Chief General Manager (Comml.) who was authorized on the issue has submitted a report to the Commission. It is the statement of the officer that only three

consumers have approached the nodal officer and the said cases have been verified and found to be in order. Though the complaint is relating to several consumers, nobody else approached the nodal officer. Moreover, the action of the concerned officers is in accordance with the terms and conditions of supply. No summary could be deduced from the report.

On the other hand, the officer representing the federation being applicant in I. A. No. 3 of 2017 alongwith the applicant has emphatically pointed out that the issue is not merely of back billing charges as conveyed by the counsel for the respondents, but also involves change of category of service connections from LT III to LT II. This is done all of a sudden by way of inspection without notice and that too based on some internal circular issued by the DISCOM to its officers. It is his case that the Commission clarified the position with regard to the category only in the tariff order for FY 2016-17 and 2017-18, whereas the issue is relating to the year 2015-16 and preceding years, where actually the service was released to individual R.O. plants in LT III only.

At this stage, the Commission sought to know what is the impact of changing the category and the amount involved in difference to both the categories. The representative of the federation along with the petitioner, sought time to place on record all the details and also the likely out flow of finances of the R.O. plants resulting in likely closure of them. Based on the submissions, the respondents are also to state their version on the issue by giving necessary details as well as the financial implications for the licensee including the waiver of interest, if any.

The federation including the petitioner shall file their report by 19.05.2018 and the DISCOMs shall report their version within a week thereafter. Both the sides are required to exchange their respective reports while filing with the Commission.

Adjourned, call on 02.06.2018 at 11.00 A.M.

Sd/-
Chairman

I. A. No. 5 of 2017
in
O. P. No. 76 of 2015

Sri M. Krishna Reddy Vs. TSDISCOMs

Application filed seeking modification of the tariff order for the year 2015-16 in respect of RO / water processing plants.

There is no representation for the applicant. Sri. Y. Rama Rao, Standing Counsel for the respondents alongwith M.V.R. Prasad, Advocate are present. The counsel for the respondents stated that the directions given by the Commission earlier have been complied with. A nodal officer has been designated to look into the issues of the R.O. plants. The Chief General Manager (Comml.) who was authorized on the issue has submitted a report to the Commission. It is the statement of the officer that only three consumers have approached the nodal officer and the said cases have been verified and found to be in order. Though the complaint is relating to several consumers, nobody else approached the nodal officer. Moreover, the action of the concerned officers is in accordance with the terms and conditions of supply. No summary could be deduced from the report.

On the other hand, the officer representing the federation sought to represent the matter and emphatically pointed out that the issue is not merely of back billing charges as conveyed by the counsel for the respondents, but also involves change of category of service connections from LT III to LT II. This is done all of a sudden by way of inspection without notice and that too based on some internal circular issued by the DISCOM to its officers. It is the case of the federation that the Commission clarified the position with regard to the category only in the tariff order for FY 2016-17 and 2017-18, whereas the issue is relating to the year 2015-16 and preceding years, where actually the service was released to individual R.O. plants in LT III only.

At this stage, the Commission sought to know what is the impact of changing the category and the amount involved in difference to both the categories. The representative of the federation sought time to place on record all the details and also the likely out flow of finances of the R.O. plants resulting in likely closure of them. Based on the submissions, the respondents are also to state their version on the issue by giving necessary details as well as the financial implications for the licensee including the waiver of interest, if any.

The federation including the petitioner shall file their report by 19.05.2018 and the DISCOMs shall report their version within a week thereafter. Both the sides are required to exchange their respective reports while filing with the Commission.

Adjourned, call on 02.06.2018 at 11.00 A.M.

Sd/-
Chairman

I. A. No. 6 of 2017
in
O. P. No. 76 of 2015

Sri Bandi Laxminarayana Vs. TSDISCOMs

Application filed seeking modification of the tariff order for the year 2015-16 in respect of RO / water processing plants.

Sri. B. Laxmikantha Reddy petitioner and Sri. Y. Rama Rao, Standing Counsel for the respondents alongwith M.V.R. Prasad, Advocate are present. The counsel for the respondents stated that the directions given by the Commission earlier have been complied with. A nodal officer has been designated to look into the issues of the R.O. plants. The Chief General Manager (Comml.) who was authorized on the issue has submitted a report to the Commission. It is the statement of the officer that only three consumers have approached the nodal officer and the said cases have been verified and found to be in order. Though the complaint is relating to several consumers, nobody else approached the nodal officer. Moreover the action of the concerned officers is in accordance with the terms and conditions of supply. No summary could be deduced from the report.

On the other hand, the officer representing the federation being applicant in I. A. No. 3 of 2017 alongwith the applicant has emphatically pointed out that the issue is not merely of back billing charges as conveyed by the counsel for the respondents, but also involves change of category of service connections from LT III to LT II. This is done all of a sudden by way of inspection without notice and that too based on some internal circular issued by the DISCOM to its officers. It is his case that the Commission clarified the position with regard to the category only in the tariff order for FY 2016-17 and 2017-18, whereas the issue is relating to the year 2015-16 and preceding years, where actually the service was released to individual R.O. plants in LT III only.

At this stage, the Commission sought to know what is the impact of changing the category and the amount involved in difference to both the categories. The representative of the federation alongwith the petitioner sought time to place on record all the details and also the likely out flow of finances of the R.O. plants resulting in likely closure of them. Based on the submissions, the respondents are also to state their version on the issue by giving necessary details as well as the financial implications for the licensee including the waiver of interest, if any.

The federation alongwith the applicant shall file its report by 19.05.2018 and the DISCOMs shall report their version within a week thereafter. Both the sides are required to exchange their respective reports while filing with the Commission.

Adjourned, call on 02.06.2018 at 11.00 A.M.

Sd/-
Chairman

I. A. No. 7 of 2017
in
O. P. No. 76 of 2015

Sri M. Jaipal Reddy Vs. TSDISCOMs

Application filed seeking modification of the tariff order for the year 2015-16 in respect of RO / water processing plants.

There is no representation for the applicant. Sri. Y. Rama Rao, Standing Counsel for the respondents alongwith M.V.R. Prasad, Advocate are present. The counsel for the respondents stated that the directions given by the Commission earlier have been complied with. A nodal officer has been designated to look into the issues of the R.O. plants. The Chief General Manager (Comml.) who was authorized on the issue has submitted a report to the Commission. It is the statement of the officer that only three consumers have approached the nodal officer and the said cases have been verified and found to be in order. Though the complaint is relating to several consumers, nobody else approached the nodal officer. Moreover, the action of the concerned officers is in accordance with the terms and conditions of supply. No summary could be deduced from the report.

On the other hand, the officer representing the federation sought to represent the matter and emphatically pointed out that the issue is not merely of back billing charges as conveyed by the counsel for the respondents, but also involves change of category of service connections from LT III to LT II. This is done all of a sudden by way of inspection without notice and that too based on some internal circular issued by the DISCOM to its officers. It is the case of the federation that the Commission clarified the position with regard to the category only in the tariff order for FY 2016-17 and 2017-18, whereas the issue is relating to the year 2015-16 and preceding years, where actually the service was released to individual R.O. plants in LT III only.

At this stage, the Commission sought to know what is the impact of changing the category and the amount involved in difference to both the categories. The representative of the federation sought time to place on record all the details and also the likely out flow of finances of the R.O. plants resulting in likely closure of them. Based on the submissions, the respondents are also to state their version on the issue by giving necessary details as well as the financial implications for the licensee including the waiver of interest, if any.

The federation including the petitioner shall file their report by 19.05.2018 and the DISCOMs shall report their version within a week thereafter. Both the sides are required to exchange their respective reports while filing with the Commission.

Adjourned, call on 02.06.2018 at 11.00 A.M.

Sd/-
Chairman

I. A. No. 8 of 2017
in
O. P. No. 76 of 2015

Sri Mohd. Mukram Ali Vs. TSDISCOMs

Application filed seeking modification of the tariff order for the year 2015-16 in respect of RO / water processing plants.

There is no representation for the applicant. Sri. Y. Rama Rao, Standing Counsel for the respondents alongwith M.V.R. Prasad, Advocate are present. The counsel for the respondents stated that the directions given by the Commission earlier have been complied with. A nodal officer has been designated to look into the issues of the R.O.

plants. The Chief General Manager (Comml.) who was authorized on the issue has submitted a report to the Commission. It is the statement of the officer that only three consumers have approached the nodal officer and the said cases have been verified and found to be in order. Though the complaint is relating to several consumers, nobody else approached the nodal officer. Moreover, the action of the concerned officers is in accordance with the terms and conditions of supply. No summary could be deduced from the report.

On the other hand, the officer representing the federation sought to represent the matter and emphatically pointed out that the issue is not merely of back billing charges as conveyed by the counsel for the respondents, but also involves change of category of service connections from LT III to LT II. This is done all of a sudden by way of inspection without notice and that too based on some internal circular issued by the DISCOM to its officers. It is the case of the federation that the Commission clarified the position with regard to the category only in the tariff order for FY 2016-17 and 2017-18, whereas the issue is relating to the year 2015-16 and preceding years, where actually the service was released to individual R.O. plants in LT III only.

At this stage, the Commission sought to know what is the impact of changing the category and the amount involved in difference to both the categories. The representative of the federation sought time to place on record all the details and also the likely out flow of finances of the R.O. plants resulting in likely closure of them. Based on the submissions, the respondents are also to state their version on the issue by giving necessary details as well as the financial implications for the licensee including the waiver of interest, if any.

The federation including the petitioner shall file their report by 19.05.2018 and the DISCOMs shall report their version within a week thereafter. Both the sides are required to exchange their respective reports while filing with the Commission.

Adjourned, call on 02.06.2018 at 11.00 A.M.

Sd/-
Chairman

O. P. (SR) No. 20 of 2017

Smt. Lavanya Yeju Vs. GoTS & TSTRANSCO

Petition filed U/s. 67 (4) & (50 of the Electricity Act, 2003 seeking compensation for acquisition of properties without paying compensation.

Ms. Vankina Allu, Advocate for the petitioner and Sri. Y. Rama Rao, Standing Counsel for the respondents alongwith Sri. M.V.R. Prasad, Advocate are present. The counsel for the petitioner has stated that the petition is filed for compensation towards land acquired for laying lines. She stated that as directed by the Commission, a representation has been made to the District Collector & Magistrate, R. R. District to furnish the required information as to whether any order has been passed awarding compensation and the same has been paid and if so, to whom the same had been paid and for what amount. She stated that no response has been received from the District Collector. She stated that the present petition is for determination of compensation and direction for payment of the same. It is her case that without paying compensation, action has been taken to install the lines and towers in the land.

The counsel for the respondents stated that counter affidavit had been filed opposing the petition and that they have already taken steps to pay the compensation subject to the petitioner accepting the same. The petitioner had already approached the Hon'ble High Court on the same issue. Since, the present petition is not challenging the order of the District Collector, this Commission lacks jurisdiction to entertain the same. The Commission may be pleased to dismiss the petition with liberty to approach the Commission as and when the District Collector passes suitable order or if an order is already passed, the petitioner may challenge the order before this Commission. This Commission cannot go into the rights of the parties available under Article 226 of the Constitution of India. The counsel for the petitioner pointed out that the present petition is not for enforcement of rights under the Constitution.

The Commission took the view that this petition cannot be proceeded further in the absence of an order having been passed by the District Collector. As such the present petition is found not maintainable. Thus, the present petition is not entertained.

Sd/-
Chairman

O. P. No. 1 of 2018

M/s. Sarvaraya Sugars Limited Vs. TSPCC & TSDISCOMs

Petition filed claiming amounts towards short term open access and reconciliation bills.

There is no representation for the petitioner. Sri. Y. Rama Rao, Standing Counsel for the respondents alongwith Sri. M.V.R. Prasad, Advocate is present. The counsel for the respondents stated that the present petition is relating to reimbursement of the bills on short term open access and reconciliation thereof. Since there is no representation for the petitioner, the matter is adjourned for appearance.

Call on 02.06.2018 at 11.00 A.M.

Sd/-
Chairman

O. P. No. 2 of 2018

M/s. RSR Power Private Limited Vs. TSREDCO, TSDISCOMs & TSTRANSCO

Petition filed seeking determination of the tariff by notifying the regulation for renewable energy projects in the State of Telangana.

Sri. Deepak Chowdary, Advocate for Induslaw for the petitioner, Sri. Y. Rama Rao, Standing Counsel for the respondents alongwith Sri. M.V.R. Prasad, Advocate and Sri. L.S.V. Prasad, General Manager for TSREDCO are present. The counsel for the petitioner stated that the present petition is for determination of tariff of the wind based generation project. The counsel for the respondents stated that at present the wind based generation is to be procured by the licensee through competitive bidding only. In the absence of such an action, there is no ground for the petitioner to agitate the matter before the Commission.

The counsel for the petitioner stated that no counter affidavit has been filed and statements are made orally. The present petition is filed so as to obtain orders on tariff as also directions to the licensee to procure power. The present project is of the capacity of 20 MW only. According to the guidelines issued by the Government of India as well as letters issued by the Ministry of Power, projects which have less than 25 MW and intending to sell power to the DISCOMs within the State, such projects

do not attract competitive bidding guidelines. Further, the same principle is applied upto 50 MW, if the projects relate to inter-state sale. Therefore, the Commission is required to determine the feed in tariff or project specific tariff. In the absence of policy of the State Government also, the petitioner is constrained to file the present petition seeking determination of project specific tariff.

The Commission sought to know the relevance of TSREDCO and its authority to sanction projects. The representative of the TSREDCO pointed out that it had been designated as nodal agency for the purpose of providing feasibility and allied activities and it is for the DISCOM and the generator to enter into an agreement.

The Commission required the licensee to file its counter in the matter for enabling the Commission to decide the matter. The matter is adjourned without any date.

Sd/-
Chairman

O. P. No. 3 of 2018

M/s. Siemens Gamesa Renewable Power Private Limited Vs. TSREDCO,
TSDISCOMs & TSTRANSCO

Petition filed seeking determination of the tariff by notifying the regulation for renewable energy projects in the State of Telangana.

Sri. Deepak Chowdary, Advocate for Induslaw for the petitioner, Sri. Y. Rama Rao, Standing Counsel for the respondents alongwith Sri. M.V.R. Prasad, Advocate and Sri. L.S.V. Prasad, General Manager for TSREDCO are present. The counsel for the petitioner stated that the present petition is for determination of tariff of the wind based generation project. The counsel for the respondents stated that at present wind generation is to be procured by the licensee through competitive bidding only. In the absence of such an action, there is no ground for the petitioner to agitate the matter before the Commission.

The counsel for the petitioner stated that no counter affidavit has been filed and statements are made orally. The present petition is filed so as to obtain orders on tariff as also directions to the licensee to procure power. The present project is of the capacity of 20 MW only. According to the guidelines issued by the Government of

India as well as letters issued by the Ministry of Power, projects which have less than 25 MW and intending to sell power to the DISCOMs within the State, such projects do not attract competitive bidding guidelines. Further, the same principle is applied upto 50 MW, if the projects relate to inter-state sale. Therefore, the Commission is required to determine the feed in tariff or project specific tariff. In the absence of policy of the State Government also, the petitioner is constrained to file the present petition seeking determination of project specific tariff.

The Commission sought to know the relevance of TSREDCO and its authority to sanction projects. The representative of the TSREDCO pointed out that it had been designated as nodal agency for the purpose of providing feasibility and allied activities and it is for the DISCOM and the generator to enter into an agreement.

The Commission required the licensee to file its counter in the matter enabling the Commission to decide the matter. The matter is adjourned without any date.

Sd/-
Chairman