

## **Record of proceedings dated 01.07.2015**

O. P. No.39 of 2015

M/s Reliance Infrastructure Ltd. Vs DISCOMS & APPCC

Petition u/s 86 (1) (f) of Electricity Act, 2003 seeking to restrain the DISCOMS from deducting from the monthly bills amounts towards deemed generation.

Sri. P Vikram counsel for the petitioner and Sri. J. Aswini Kumar Advocate for Sri. Y Rama Rao counsel for the respondent are present. The counsel for the petitioner stated that the petitioner has already accepted the jurisdiction of the Commission and need to present the facts. He further stated that the Counsel for the respondents took time specifically to today to get ready for final arguments and hence the senior counsel was to appear in the matter. However later informed that due to administrative reasons he is not able to present the case and so informed that he would seek adjournment of the matter.

The counsel for the respondents stated that he needs time to submit the arguments as he is unable to do so due dislocation of the some of the officers and new officers taking over who are not conversant with the facts of the case due to administrative exercise by the licensee. He also stated that the matter also falls under the ambit jurisdiction and the petitioner has to file fresh petitions to agitate the case against Telangana DISCOMs.

The Commission desired that the petitioner should submit the arguments on the facts and on that basis argue about the jurisdiction. The counsel for the petitioner stated that the payments are being made independently by all the DISCOMs based on the quantity of power allocated / availed. They have heldup an amount of Rs. 300 crores and do not even deny that they have not availed the power supply. At the same time they are not releasing the amounts. The counsel agreed to submit detailed arguments including the facts of the case and jurisdiction, but sought a clear date and counsel for the respondent suggested it to be in 1<sup>st</sup> week of August.

The Commission adjourned the hearing, but made it clear that no further adjournment should be sought either by the petitioner or the respondents and the parties should be ready all the facts to submit arguments. Adjourned.

Call on 03.08.2015

At 11:00 AM

Sd/-  
Member

Sd/-  
Member

Sd/-  
Chairman

O. P. No. 44 of 2015

And

IA No. 09 of 2015

APPCC & DISCOMS vs M/s Reliance Infrastructure Ltd

Petition filed u/s 86 (1) (f) of the Electricity Act, 2003 in the matter of “ineligibility of availability declarations with alternate fuel (naphtha / HSD) by the respondent, after the year 2009 and for deletion of alternate fuel clause”

IA filed by the petitioners u/s 128 of the Electricity Act, 2003 for appointment of a committee of technical officers and direct them to investigate the issue as to whether there were tanks for storing naphtha at the project of the respondent and after the year 2009 and as to the probable date of dismantling of naphtha tanks, by inspecting the project premises and the records.

Sri. J. Aswini Kumar Advocate for Sri. Y Rama Rao counsel for the petitioner and Sri. P Vikram counsel for the respondent are present. The counsel for the respondent stated that the respondent has already accepted the jurisdiction of the Commission and need to present the facts. He further stated that the Counsel for the petitioners took time specifically to today to get ready for final arguments and hence the senior counsel was to appear in the matter. However later informed that due to administrative reasons he is not able to present the case and so informed that he would seek adjournment of the matter.

The counsel for the petitioners stated that he needs time to submit the arguments as he is unable to do so due dislocation of the some of the officers and new officers taking over who are not conversant with the facts of the case due to administrative exercise by the licensee. He also stated that the matter also falls under the ambit jurisdiction and the petitioners have to file fresh petitions to agitate for Telangana DISCOMs only.

The Commission desired that the respondent should submit the arguments on the facts and on that basis argue about the jurisdiction. The counsel for the respondent stated that the payments are being made independently by all the DISCOMs based on the quantity of power allocated / availed. They have heldup an amount of Rs. 300 crores and do not even deny that they have not availed the power supply. At the same time they are not releasing the amounts. The counsel agreed to submit detailed arguments including the facts of the case and jurisdiction, but sought a clear date and counsel for the respondent suggested it to be in 1<sup>st</sup> week of August.

The Commission adjourned the hearing, but made it clear that no further adjournment should be sought either by the petitioner or the respondents and the parties should be ready all the facts to submit arguments. Adjourned.

Sd/-  
Member

Sd/-  
Member

Call on 03.08.2015  
At 11:00 AM  
Sd/-  
Chairman

O. P. No. 58 of 2015  
And  
IA No. 12 of 2015

M/s Reliance Infrastructure Ltd. Vs DISCOMS & APPCC

Petition filed by the petitioner u/s 86 (1) (f) of the Electricity Act, 2003 seeking declaration that HSD is a alternative fuel in terms of Article 1.1.27 of the PPA and refund the unauthorised deductions of Rs. 96,68,92,198/- made by the respondents from the bills payable to the petitioner.

Sri. P Vikram counsel for the petitioner and Sri. J. Aswini Kumar Advocate for Sri. Y Rama Rao counsel for the respondent are present. The counsel for the petitioner stated that the petitioner has already accepted the jurisdiction of the Commission and need to present the facts. He further stated that the Counsel for the respondents took time specifically to today to get ready for final arguments and hence the senior counsel was to appear in the matter. However later informed that due to administrative reasons he is not able to present the case and so informed that he would seek adjournment of the matter.

The counsel for the respondents stated that he needs time to submit the arguments as he is unable to do so due dislocation of the some of the officers and new officers taking over who are not conversant with the facts of the case due to administrative

exercise by the licensee. He also stated that the matter also falls under the ambit jurisdiction and the petitioner has to file fresh petitions to agitate the case against Telangana DISCOMs.

The Commission desired that the petitioner should submit the arguments on the facts and on that basis argue about the jurisdiction. The counsel for the petitioner stated that the payments are being made independently by all the DISCOMs based on the quantity of power allocated / availed. They have heldup an amount of Rs. 300 crores and do not even deny that they have not availed the power supply. At the same time they are not releasing the amounts. The counsel agreed to submit detailed arguments including the facts of the case and jurisdiction, but sought a clear date and counsel for the respondent suggested it to be in 1<sup>st</sup> week of August.

The Commission adjourned the hearing, but made it clear that no further adjournment should be sought either by the petitioner or the respondents and the parties should be ready all the facts to submit arguments. Adjourned.

Sd/-  
Member

Sd/-  
Member

Call on 03.08.2015  
At 11:00 AM  
Sd/-  
Chairman