

Record of proceedings dated 09.08.2016

O. P. No. 1 of 2014
&
I. A. Nos. 7 & 8 of 2016

M/s. Shalivahana (MSW) Green Energy Ltd. Vs TSNPDCL,

Petition filed for seeking determination of tariff for its 12 MW MSW Project located at Sultanabad Mandal, Karimnagar District

Interlocutory Application filed for interim tariff and expeditious disposal of original petition.

Sri. T. Vizhay Babu, Advocate representing Sri Challa Gunaranjan, Counsel for the petitioner along with Sri. M. Komraiah, Managing Director of the petitioner and Sri Y. Rama Rao, Counsel for the respondent along with Smt. Priya Iyengar, Advocate are present. The counsel for the petitioner stated that the petition is pending for the last four years for determination of tariff and there is expediency to dispose of the same. Unless, the same is disposed of it will not be able to enter into PPA. In the absence of tariff, the petitioner is unable to proceed further in the matter. The counsel for the respondent pointed out the petitioner has to obtain permission of TSNREDCL in respect of RDF as fuel instead of MSW as the petitioner has sought clarification from the Commission in respect of tariff order. The counsel for the petitioner stated that the petitioner is inclined to obtain the same.

At this juncture, the Commission pointed to the licensee that it should identify and communicate to the petitioner all the necessary documents and information for enabling them to enter into a PPA and should not submit before the Commission on the next date of hearing that certain information is lacking from the petitioner, therefore, the licensee did not enter into a PPA. In the circumstances, the matter is adjourned without any date. The next date of hearing will be communicated by the office of the Commission in due course.

Sd/-
Member

Sd/-
Chairman

O. P. No. 5 of 2015
And
I. A. No. 27 of 2015

M/s Knowledge Infrastructure Systems Pvt. Ltd., New Delhi & M/s Shalivahana
(MSW) Green Energy Ltd. vs TSSPDCL, Chief General Manager, (Comml & RAC) &
TSPCC

Petition filed u/s 86 (1) (f) of the Electricity Act, 2003 claiming certain amounts due
Eon account of supply of electricity under short term purchase for the months
January, February and March, 2013

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

Sri T. Vizhay Babu, Advocate representing Sri. Challa Gunaranjan counsel for the
petitioner along with N. Kiran Kumar, Asst. General Manager of the petitioner No. 2
and Sri. Y. Rama Rao counsel for the respondent along with Smt. Priya Iyengar,
Advocate are present. The counsel for the petitioner stated that the licensee has to
place before the Commission the relevant information on the supply made by the 2nd
petitioner. The counsel for the respondent stated that the concerned officer is ready
with the information and would like to submit the same to the Commission. The officer
made submissions on the factual aspects of the case more particularly the method of
calculation of the energy pumped into the system including sale to power exchange.
The counsel for the petitioner sought adjournment stating that he is not in a position
to confirm or rebut the data submitted before the Commission and needs instructions
from his client.

The Commission having heard the parties directed the counsel to file written
submissions in the matter and the petitioner is also required to file its response to the
calculations filed by the DISCOM. The Commission reserved its orders in the matter.

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 petition.

Sri T. Vizhay Babu, Advocate representing Sri. Challa Gunaranjan Counsel for the
petitioner along with Sri N. Kiran Kumar, Asst. General Manager of the petitioner and

Sri. Y. Rama Rao counsel for the respondent along with Smt. Priya Iyengar, Advocate are present. The counsel for the petitioner sought adjournment stating that he is unable to contact his client and take instructions in the matter and therefore the matter may be posted to any other date. The counsel for the respondent stated that the DISCOM is prepared to enter into agreement for the enhanced capacity, provided the petitioner comes forward with all the details.

The Commission directed the counsel for the petitioner to make it clear to the petitioner that the Commission will not grant further adjournment and the petitioner should proceed to enter into an agreement at the earliest by providing the necessary information. The matter is adjourned on the condition that the parties will report settlement of the case, but without any specific date. The next date of hearing will be communicated by the office of the Commission in due course.

Sd/-
Member

Sd/-
Chairman

O. P. No. 82 of 2015
And
I. A. No. 32 of 2015

M/s. Pragathi Group vs TSSPDCL, TSTRANSCO & TSSLDC (Proposed to be impleaded)

Petition seeking to question the action of levying wheeling and transmission charges by licensees along with other issues.

Petition in IA No. 31 of 2015 to implead TSSLDC

Sri. N. K. K. Venkat Consultant of the petitioner and Sri. Y. Rama Rao, Counsel for the respondent along with Smt. Priya Iyengar, Advocate are present. The consultant submitted detailed arguments relating to facts of the case with relevant dates and the claim for banking of energy. He also stated and explained in detail the provisions of Electricity Act, 2003, A. P. Re-organisation Act, 2014 as well as applicability of policy issued by the erstwhile Government of Andhra Pradesh in the year 2012. He has confirmed that the petitioner is not availing renewable energy certificate benefits. The counsel for the respondent while confirming the dates and events mentioned by the petitioner also stated about the delay at the hands of the petitioner. He also stated that there is no application for banking yet the licensee has chosen to accede to the prayer to the extent of four days as conceded by the officer of the licensee. In so far as

applicability of the provisions or otherwise, he denied the submissions made by the petitioner.

The Commission required the petitioner to obtain information / data relating to the four days of energy pumped into the grid and place it before the Commission with a copy to the licensee. The matter is reserved for orders.

Sd/-
Member

Sd/-
Chairman

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

Sri. Srinivasa Rao. Putluri, Advocate representing Sri. O. Manohar Reddy, Counsel for the petitioner and Sri. Y. Rama Rao, Advocate for existing licensee along with Smt. Priya Iyengar, Advocate are present. The advocate representing the petitioner stated that the arguments were submitted by the counsel for petitioner. The Commission has to hear the arguments of counsel for the existing licensee assisting the Commission. The counsel for the existing licensee sought adjournment stating that he is not ready with the arguments.

The Commission required the counsel for the petitioner to make submissions on the principle of matching provisions in the Telangana Electricity Reforms Act, 1998 and Electricity Act, 2003. The matter is adjourned without any date. The next date of hearing will be communicated by the office of the Commission in due course.

Sd/-
Member

Sd/-
Chairman

O. P. No. 89 of 2015

M/s Bhagyanagar India Limited vs Govt. of Telangana, TSSPDCL, TSTRANSCO and Officers

Petition filed questioning the action of the licensees in demanding payment of wheeling charges contrary to the tariff order dated 09.05.2014 of erstwhile APERC.

Sri. T. Vizhay Babu, Advocate representing Sri. Challa Gunaranjan counsel for the petitioner and Sri. Y. Rama Rao, Counsel for the respondents along with Smt. Priya

lyengar, Advocate are present. The counsel for the petitioner stated that the licensee has to report about refund made towards wheeling charges along with the details. The counsel for the respondents stated that in terms of the observation of the Commission in the earlier hearing, licensee has informed that it has already undertaken refund of the amount and the counsel for the petitioner has to confirm about the same.

The Commission has made it clear that this will be the last adjournment and there will be no more adjournments in the matter. The Commission will treat the matter as heard, if no submission about refund / adjustment made by the licensee is confirmed by the petitioner and it will pass appropriate orders. The matter is adjourned without any date. The next date of hearing will be communicated by the office of the Commission in due course.

Sd/-
Member

Sd/-
Chairman

O. P. No. 2 of 2016

M/s. Ultra Tech Cement Limited vs TSSPDCL, SE (O), RR South, SAO (o), RR South & DE (O), TSSPDCL

Petition filed questioning of the action of DISCOM in not implementing the order of CGRF as confirmed by Hon'ble High Court.

Sri. T. Vizhay Babu, Advocate representing Sri. Challa Gunaranjan, Counsel for the petitioner and Sri. Y. Rama Rao, Counsel for the respondents along with Smt. Priya lyengar, Advocate are present. The counsel for the petitioner stated that the licensee has to report about the compliance of the order or the status of the appeal filed by Respondents against the order of the single judge rejecting the writ petition. According to the counsel the appeal is yet to be numbered and registered before the court as it is still in S.R. stage. The counsel for the respondents admitted the fact and stated that the respondents are taking steps to get the appeal registered and posted for hearing. Therefore, he is seeking adjournment of the matter.

The Commission observed that the licensee shall either comply with the order or report the status of the appeal clearly by the next date of hearing. The matter is adjourned

without any date. The next date of hearing will be communicated by the office of the Commission in due course.

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. G. Rama Krishna Reddy, Electrical Engineer representing the petitioner and Sri. Y. Rama Rao, Counsel for the respondent along with Smt. Priya Iyengar, Advocate are present. The representative of the petitioner stated that his counsel is out of station and therefore, the matter may be adjourned. He also informed that the additional submissions of the licensee have been received by him today. Therefore, he requires some time to study and instruct his advocate in the matter. The counsel for the respondents stated that the respondents have filed their submissions on the observation made by the Commission in the earlier hearing and ready to make submissions.

The Commission observed that the proposals made by licensee on the aspect of providing franchise to the bulk consumers has to be examined and it is also applicable to the other matter filed by M/s. Exhibition Society. In view of the filing of additional submissions, the matter is adjourned. The next date of hearing will be communicated by the office of the Commission in due course.

Sd/-
Member

Sd/-
Chairman

O. P. No. 17 of 2016

Sri Allu Venkat Reddy vs TSTRANSCO

Filed an application seeking compensation for laying of towers and lines across his agricultural land u/s 67 (4) of the Electricity Act, 2003.

Sri. P. Chengal Reddy Counsel for the petitioner and Sri Y. Rama Rao, Counsel for the respondent along with Smt. Priya Iyengar, Advocate are present. The counsel for the petitioner made detailed submissions on various aspects of the petition. He sought orders in the matter of compensation for erecting towers and laying lines in respect of

transmission and distribution network by diminishing the value of the land. The counsel for the respondent made submissions by filing the counter-affidavit in the matter today, but he also stated certain aspects need examination in view of the submissions of the petitioner's counsel including the rules notified by the erstwhile Government of Andhra Pradesh, which are not in the position of the licensee. Therefore, he sought adjournment.

The Commission having heard the arguments of the counsel for the parties treated the matter as part-heard. The matter is adjourned without any date. The next date of hearing will be communicated by the office of the Commission in due course.

Sd/-
Member

Sd/-
Chairman

O. P. No. 19 of 2016
and
I. A. No. 12 of 2016

M/s. Yantra Green Power Private Ltd. Vs TSSPDCL

Petition filed for seeking exemption from wheeling charges as decided in O.P. No. 78 of 2015 for the control period 2015 in terms of the policy of the Government of Telangana State dated 01.06.2015.

Interlocutory Application filed for directing the respondent not to levy / collect wheeling charges from the petitioner company or its consumer during the pendency of the original petition.

Sri. P. Srinivasa Rao, Counsel for the petitioner and Sri. Y. Rama Rao, Counsel for the respondent along with Smt. Priya Iyengar, Advocate are present. The counsel for the petitioner stated that the licensee is levying wheeling charges contrary to the policy of the government and collecting the same from its consumer. Notice has already been sent to the respondent by the Commission. Therefore, he sought interim orders as prayed for. He also relied on an interim order passed by the Commission earlier in O. P. No. 14 of 2015 filed by M/s. Arhyama Solar Power Private Limited. A copy of the same is filed by him. The counsel for the respondent stated that the matter is coming up for the first time and the respondent requires some time to file a counter-affidavit in the matter.

The Commission viewed that the grant of interim order at this stage without hearing the licensee would amount to partly allowing the case. The matter is adjourned without

any date. The next date of hearing will be communicated by the office of the Commission in due course.

Sd/-
Member

Sd/-
Chairman

O. P. (SR) No. 5 of 2016
And
I. A. No. 6 of 2016

M/s. REI Power Bazaar Private Limited vs Nil, TSDISCOMs, TSTRANSCO and TSGENCO added by the Commission.

M/s. IEX Limited vs M/s. REI Power Bazaar Private Limited, TSDISCOMs, TSTRANSCO and TSGENCO added by the Commission.

Petition filed seeking to establish power market (power exchange) in the state of Telangana u/s 86 (1) (k) read with section 66 of Electricity Act, 2003.

Petition in I A filed by for impleading M/s. IEX Limited as party respondent in the petition

Sri. P. Vikram, Counsel for the petitioner, Sri E. Naga Aditya Representative of the implead petitioner and Sri. Y. Rama Rao, Counsel for the respondent along with Smt. Priya Iyengar, Advocate are present. The counsel for the petitioner stated that the petitioner has already filed the details and information as sought by the Commission in the earlier hearing and also filed counter-affidavit in respect of the implead petition. The representative of the implead petitioner stated that he is in receipt of the counter-affidavit only today and therefore, sought adjournment of the hearing. The counsel for the respondent licensees has no objection, however he stated that the Commission has to take a view on the establishment of a power bazar.

In view of the submissions of the parties, the petition in original as well as I. A. are adjourned. The next date of hearing will be communicated by the office of the Commission in due course.

Sd/-
Member

Sd/-
Chairman