



TELANGANA STATE ELECTRICITY REGULATORY COMMISSION
5th Floor, Singareni Bhavan, Red Hills, Lakdi-ka-pul, Hyderabad 500 004

I. A. No. 9 of 2024
in
O. P. No. 2 of 2019

Dated: 15.03.2024

Present

Sri. T. Sriranga Rao, Chairman
Sri. M. D. Manohar Raju, Member Technical
Sri. Bandaru Krishnaiah, Member Finance

Between:

Transmission Corporation of Telangana Limited for SLDC,
Vidyut Soudha, Hyderabad – 500 082 Petitioner.

AND

-Nil- Respondent.

The application having stood over for consideration to this day, the Commission passed the following:

ORDER

The Transmission Corporation of Telangana Limited (TSTRANSCO) (applicant) has filed an application under section 94 (2) of the Electricity Act, 2003 (Act, 2003) read with clause 42 of the Conduct of Business Regulation 2015 relating to determination of SLDC charges for operations for the year 2024-25 upon expiry of the control period on 31.03.2024.

2. The applicant has stated in the application as below:
 - a. The applicant has stated that annual fee and operating charges for SLDC operations were determined in O. P. No. 2 of 2019 and is being implemented in the operations for providing services by the applicant and is applicable up to 31.03.2024.

- b. As per the notified Multi Year Tariff (MYT) Regulation, 2023 being regulation No. 2 of 2023, the applicant is required to file the Aggregate Revenue Requirement (ARR) and proposals for charges for SLDC activity for 5th Control Period by 31.01.2024.
- c. The applicant had filed an application for amendment to certain clauses of Regulation No. 2 of 2023 as the clauses sought to be amended will have significant impact on the revenue and expenditure of the applicant and will adversely impact the cash flows from the first year of the control period. The Commission has returned the application seeking certain information from the applicant and the issues raised are under examination by the applicant and requisite information is being collected for the same. The applicant requests the Commission for additional time for the same.
- d. It is stated that the SLDC tariff order dated 02.03.2020 in O. P. No. 2 of 2019 for annual fee and operating charges for SLDC Activity for 4th control period is applicable up to 31.03.2024.
- e. Hence, the applicant prays that the Commission may be pleased to pass such orders that the existing SLDC charges as approved by the Commission in O. P. No. 2 of 2019 for FYs 2019 - 24 shall be continued from 01.04.2024 until a fresh order is passed on the regular petition to be filed by TSTRANSCO.

3. The Commission has framed Multi Year Tariff Regulation 2023 being Regulation No. 2 of 2023 providing for determination of tariff in respect of generation, transmission, SLDC activity, wheeling and retail supply. In accordance with the aforementioned MYT regulation, the TSTRANSCO is required to file MYT petition for annual fee and SLDC operating charges for FY 2024-25 to FY 2028 -29 being the 5th control period by 31.01.2024.

4. The applicants have stated that they have sought clarification from the Commission and also filed petitions for amendment of the MYT regulation. In this regard, the Commission had already communicated vide letter dated 30.01.2024 that the Commission is not inclined to give clarification as regulation is made with previous publication, placing explanatory note, also giving statement of reasons and the

regulation is notified. In the same context, no petition for amendment of the regulation made by the Commission can be entertained.

5. The applicants have requested for additional 3 months' time for submission of ARR and tariff proposals for FY 2024-25 and the Distribution Business MYT proposals for 5th control period. The Commission has not agreed to the request of licensees for additional time and directed to comply with the provisions of Regulation No. 2 of 2023

6. In view of non-filing of petition for determination of ARR and tariff for FY 2024-25 by TSTRNSCO, the Commission has sought the views of the licensees in its letter dated 12.03.2024 on the course of action that is being considered by the licensees when the annual fee and SLDC operating charges would cease to be applicable after 31.03.2024.

7. The applicant has filed interlocutory applications seeking that the existing annual fee and SLDC operating charges of FY 2023-24 as determined in O. P. No. 2 of 2019 shall continue from 01.04.2024 until the passing of further annual fee and SLDC charges for SLDC activity for 5th Control period from FY 2024-25 to FY 2028-29.

8. The Commission has examined and considered the application filed by applicants. The Commission is of the view that the annual fee and SLDC operating charges have to be levied until the applicant files a regular petition for determination of fresh annual fee and SLDC operating charges. Therefore, the present interlocutory application is being considered for passing appropriate orders.

9. It may be appropriate at this stage to state that the order is being passed on ad-interim measure subject to the final disposal of the application along with the regular petition for annual fee and SLDC operating charges. The same can be passed to meet the ends of justice for the present.

10. It is relevant to state here that this Commission is empowered to pass necessary interim orders in appropriate cases under section 94 (2) of the Act, 2003. In this regard the relevant provision is extracted below:

“94. Powers of Appropriate Commission:

(1)

(2) The Appropriate Commission shall have the powers to pass such interim order in any proceeding, hearing or matter before the Appropriate Commission, as that Commission may consider appropriate.

(3)

11. In the present circumstances, the Commission deems it appropriate to pass an interim order in this application on an ad-interim measure that the annual fee and SLDC operating charges as existing as on 31.03.2024 is applicable and it will be levied and collected by the applicant from 01.04.2024 till an order is passed by the Commission.

12. Accordingly, the annual fee and SLDC operating charges as applicable on 31.03.2024 as determined in the order dated 02.03.2020 are applicable and can be levied by applicant from 01.04.2024 onwards pending disposal of this application finally. The applicant is directed to file the regular petition for determination of annual fee and SLDC operating charges for the 5th control period being the FY 2024-25 to FY 2028-29 immediately.

This order is corrected and signed on this the 15th day of March, 2024.

Sd/- (BANDARU KRISHNAIAH) MEMBER	Sd/- (M.D.MANO HAR RAJU) MEMBER	Sd/- (T. SRIRANAGA RAO) CHAIRMAN
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