

Record of Proceedings dated 09.11.2020

O. P. No. 28 of 2020

M/s. Enrich Energy Private Limited Vs. TSSPDCL & its officers

Petition filed seeking declaration of the SCOD as 31.03.2017 of the solar project and reimbursement of penalty amount including bank guarantee.

Sri. Challa Gunaranjan, Advocate for the petitioner and Sri. Mohammad Bande Ali, Law Attachee TSSPDCL along with Sri. K. Sathish Kumar, DE TSSPDCL for the respondents have appeared through video conference. The counsel for the petitioner stated that the petition is filed for declaration of the COD of the project to be 31.03.2017 and consequently direct the licensee to reimburse the penalties recovered through encash PBG as the COD was declared beyond the stipulated period under the PPA. The representative of the licensee stated that the matter has come up for hearing for the first time and the licensee needs to file counter affidavit, for which time may be granted. Considering the request of the licensee, the matter is adjourned while directing the respondents to file their counter affidavit by 07.12.2020 with a copy duly served / emailed to the counsel for the petitioner.

Call on 11.12.2020 at 11.30 AM.

Sd/-
Member (F)

Sd/-
Member (T)

Sd/-
Chairman

O. P. No. 29 of 2020

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I. A. No. 15 of 2020

M/s. Gayatri Sugars Limited Vs. TSNPDCL

Petition filed Seeking declaration of fixed costs for 16.5 MW bagasse based cogeneration project.

I. A. filed seeking interim orders directing the respondent to pay generic tariff as fixed by the order dated 05.08.2014 in O. P. Nos. 8 / 2011, 9 / 2012, 12 / 2012, 22 / 2014 and 25 / 2014.

Sri. Challa Gunaranjan, Advocate for the petitioner and Sri. Y. Rama Rao, Advocate for the respondent have appeared through video conference. The counsel for the petitioner stated that the petitioner is a bagasse based cogeneration plant and had entered into a PPA with respondents in the year 2006. It has completed 10 years of

the PPA in the year 2016. As per the PPA, the petitioner is entitled to revised fixed costs from the 11th year onwards as determined by the Commission after reviewing the payment of loans in the 1st 10 years. The counsel for the petitioner submitted that the erstwhile APERC had determined the fixed costs that is applicable to the power plant from the 11th year onwards in the generic order passed on 22.07.2014. The licensee ought to have obtained orders from the completion of 10 years from the Commission with regard to the rate of fixed costs to be paid by them to the petitioner. In the alternative, they should have paid the generic tariff applicable to the relevant year of operation as determined by the erstwhile APERC. Neither of them have resorted to by the licensee.

The counsel of the respondent sought time for filing counter affidavit of the respondent stating that the matter has come up for the first time. The counsel for the petitioner submitted that the petitioner has also filed an interlocutory application for interim orders towards payment of fixed costs in accordance with the order passed by the erstwhile APERC pending disposal of the original petition.

The Commission considering the rival position directed the licensee to file counter affidavit in the original petition as well as interlocutory application on or before 07.12.2020 with a copy duly served / emailed to the counsel for the petitioner. Accordingly, the matter is adjourned.

Call on 11.12.2020 at 11.30 AM.

Sd/-
Member (F)

Sd/-
Member (T)

Sd/-
Chairman

O.P. (SR) No. 27 of 2020

M/s. Sri Ambika Steel Industries Vs. TSSPDCL & its officers

Petition filed seeking penal action against the TSSPDCL and its officers for not giving effect to the orders of the Commission in respect of restriction and control measures in proceedings dated 15.09.2012 and consequent withdrawal of minimum charges.

Ms. Nishtha, Representative for the petitioner and Sri. Mohammad Bande Ali, Law Attachee TSSPDCL along with Sri. K. Sathish Kumar, DE TSSPDCL for the respondents have appeared through video conference. The counsel for the petitioner stated that the matter is coming up for the first time, as such the Commission may

direct the respondents to file their counter affidavit and then take up the matter for hearing. The representative of the respondents requested time for four weeks to file counter affidavit. Considering the request of the licensee, the matter is adjourned while directing the respondents to file their counter affidavit by 07.12.2020 with a copy duly served / emailed to the counsel for the petitioner.

Call on 11.12.2020 at 11.30 AM.

Sd/-
Member (F)

Sd/-
Member (T)

Sd/-
Chairman

O. P. No. 10 of 2016

TSSPDCL Vs. None

Request of TSSPDCL on behalf of TSDISCOMs seeking consent for in principle approval to the power purchase agreement entered by TSDISCOMs with NTPC dated 18.01.2016.

Sri. D. S. N. Sharma, O.S.D. TSSPDCL for the petitioner has appeared through video conference. The representative of the petitioners made elaborate submissions relating to the PPA and also the directions issued by the Commission in its order dated 30.07.2016. The submissions touched upon each and every direction given by the Commission relating to the capacity availability to coal linkage and exclusive availability of 100% capacity to the State of Telangana. The representative relied on certain documents, which were the off shoot of the orders of the Commission as also the inter-se correspondence between the TSDISCOMs and NTPC on the capacity allocation, coal linkage etc.

As these documents relied upon by the petitioners are not forming part of the record, the Commission directed the placing of all those documents before it. Considering the issue is to be decided expeditiously, the matter is reserved for orders.

Sd/-
Member (F)

Sd/-
Member (T)

Sd/-
Chairman

O. P. No. 22 of 2020

M/s. ACME Dayakara Solar Power Private Limited Vs. TSSPDCL

Petition filed Seeking direction that the payment of entry tax may be treated as change in law and for reimbursement of the amount

Smt. Jyotsna Khatri, Advocate for the petitioner and Sri. Mohammad Bande Ali, Law Attachee TSSPDCL along with Sri. K. Sathish Kumar, DE TSSPDCL for the respondent have appeared through video conference. The counsel for the petitioner stated that the petitioner could not file rejoinder in time as she was suffering from Covid – 19 and is under quarantine, accordingly sought time for two weeks. She also requested that the hearing may be scheduled in the month of December, 2020 as the senior counsel appearing for the petitioner is unavailable for the month. Though the Commission suggested hearing on 25.11.2020, the request made for hearing on 14.12.2020. The representative of the respondent also agreed to the request of the counsel for the petitioner. Considering the request of both the parties, the matter is adjourned by directing the counsel for the petitioner to file rejoinder on or before 23.11.2020 duly serving / emailing a copy of the same to the respondent.

Call on 14.12.2020 at 11.30 AM.

Sd/-
Member (F)

Sd/-
Member (T)

Sd/-
Chairman