

**Record of Proceedings dated 26.08.2020**

O. P. No. 57 of 2018

&

I. A. No. 32 of 2018

M/s. Gayatri Power Pvt. Ltd. Vs. TSSPDCL.

Petition filed Seeking determination of the tariff for 2.2 MW Mini-hydel power project at Rs. 5/- (Levelized for 25 years).

I. A. filed seeking interim tariff at Rs. 4.50 ps. per unit pending disposal of the petition.

Sri. Challa Gunaranjan, Advocate for the petitioner and Sri. Mohammad Bande Ali, Law Attachee TSSPDCL for the respondent have appeared through video conference. The counsel for the petitioner stated that the Commission had initiated proceedings in the matter in the year 2018 and this petition is pursuant to the communication from the Commission directing the petitioner to file a petition for determination of the tariff. The Commission has not determined any generic tariff, hence the PPA does not provide for any tariff and the relevant clause provides for the tariff to be as determined by the Commission. The Commission may consider the present request of the petitioner. The petitioner is inclined to provide such additional information as may be necessary for enabling the Commission in determining the tariff. However, the representative of the respondent has sought further time to file counter affidavit and also provide the view on the data filed by the petitioner. It is his case that the licensee is awaiting determination of the tariff by the Commission, hence no action is taken on signing the fair agreement further to the consent accorded by the Commission.

To a pertinent question as to why PPA consented by the Commission has not been fair signed and submitted for record, the representative of the respondent sought to state all those details in the counter affidavit and requested for adjournment by granting two weeks. Therefore, the Commission directed the respondent to file the counter affidavit by 09.09.2020 as a last chance. The respondent shall ensure that the counter affidavit to be filed by him shall properly be served on the counsel for the petitioner on or by the time granted by the Commission. Accordingly adjourned.

Call on 18.09.2020 at 11.00 A.M.

Sd/-  
Member (F)

Sd/-  
Member (T)  
O. P. No. 19 of 2020  
&  
I. A. No. 13 of 2020

Sd/-  
Chairman

M/s. Ener Sol Infra Pvt. Ltd. Vs TSSPDCL & TSTRANSCO

Petition filed seeking directions to the licensee for grant of approval of tripartite agreement for 2 MW solar power project for third party sale of energy synchronized to licensee's grid.

I. A. filed seeking directions to the respondents to enter into the tri-partite agreement dated 18.07.2018 for approval placed before them pending disposal of the petition.

Sri. P. Srinivasa Rao, Advocate for the petitioner and Sri. G. Karunakar, SE (Commercial) TSTRANSCO and Sri. Mohd. Bande Ali, Law Attachee TSSPDCL for the respondents have appeared through video conference. The counsel for the petitioner stated that the petitioner established solar project and intended to undertake third party sale. Accordingly, based on the regulation in vogue it has entered into tripartite agreement for sale of energy generated from the project to third party and submitted the same for their concurrence and signature in July, 2018. Till date, the respondents have not approved the said agreement. Synchronization of the plant had been allowed in July, 2018 itself, yet in the absence of approved agreement, the petitioner is unable to supply energy to third parties, which is fed into the grid. The respondents by holding back the approval are getting unjustly enriched by sale of energy so drawn from the petitioner project by selling the same to their consumers.

While so, the lenders are insisting the petitioner for the repayment of the loan drawn for establishment of the power project and went to the extent of issuing notice for initiating proceedings under SARFAESI ACT 2002. If the proceedings are initiated, the petitioner would be facing irreparable loss and injury including the means of livelihood. Therefore, the petitioner has sought an interim injunction directing the respondents to sign the tripartite agreement pending disposal of the original petition. The representative of the respondents sought time for filing counter affidavit stating that the papers have been received only on the other day.

On being questioned by the Commission as to why no action is taken on the representation made by the petitioner in the year 2018 itself, the representative sought to address the issue after filing the counter affidavit. The representative of the respondents sought three weeks time for filing counter affidavit. The Commission is not inclined to grant such length of time as the representation of the petitioner is pending since 2018 and the petitioner is under the threat of SARFAESI ACT. Accordingly, time is granted upto 07.09.2020 for filing counter affidavit and the matter is adjourned. The respondents shall ensure that the counter affidavit to be filed by them shall properly be served on the counsel for the petitioner on or by the time granted by the Commission.

Call on 09.09.2020 at 11.00 A. M

Sd/-  
Member (F)

Sd/-  
Member (T)

Sd/-  
Chairman

O. P. No. 20 of 2020

M/s. Navabharat Ventures Limited Vs TSTRANSCO & TSNPDCL

Petition filed Seeking exemption of the petitioner from RPPO in view of the consumption of power generated from its co-generation units through waste heat received from flue gases.

Sri. Challa Gunaranjan, Advocate for the petitioner and Sri. Ganapathi, Director (IPC & RAC) TSNPDCL and Sri Chandrashekhar, SE (EBC) TSSLDC for the respondents have appeared through video conference. The counsel for the petitioner stated that the petitioner is seeking to treat the waste heat generated by it under the manufacturing process be considered as renewable source of energy. Such type of energy is considered as renewable source as has been held by the Hon'ble ATE. The representative of the respondents sought time for filing counter affidavit and requested time upto three weeks. The request of the respondents is acceded to and the counter affidavit is required to be filed on or before 09.09.2020. The respondents shall ensure that the counter affidavit to be filed by them shall properly be served on the counsel for the petitioner on or by the time granted by the Commission. Accordingly adjourned.

Call on 18.09.2020 at 11.00 A. M.

Sd/-  
Member (F)

Sd/-  
Member (T)

Sd/-  
Chairman

O. P. (SR) No. 24 of 2020  
&  
I. A. (SR) No. 30 of 2020

M/s. L & T Metro Rail (Hyderabad) Ltd. Vs. TSSPDCL

Petition filed Seeking directions for deration of the CMD for the power supply availed in respect of its operations.

I. A. filed seeking directions to the respondents to enter into the tri-partite agreement dated 18.07.2018 for approval placed before them pending disposal of the petition.

Sri. Avinash Desai, Advocate for the petitioner and Sri. Anil Kumar, SE (Commercial) and Sri. K. Sathish Kumar, DE (RAC) TSSPDCL for the respondent have appeared through video conference. The counsel for the petitioner made elaborate submissions on the issue of maintainability of the petition, stating that non-implementation of the order of the Commission constitutes a violation of the Commission's order. He also stated that the present petition is maintainable without reference to the violation of the order as there is an issue of interpretation of the order of the Commission with regard to its implementation. Though it is a consumer company, yet it is required to be decided by the Commission only and not the CGRF concerned as provided in the Electricity Act, 2003 (Act, 2003). It is also relied on clauses 5, 6, 7 and 8 of section 42 of the Act, 2003 as also the judgments rendered by the Hon'ble ATE in the matter of (1) Paschim Gujarat Vij Co Ltd vs Gokul Agro Resources Ltd and ors- Paras 18, 22 and (2) Power Transmission Corporation vs Utharakhand Electricity Regulatory Commission- Paras 30,35,38,39.

On the other hand, the representative of the respondent has sought time for filing the counter affidavit stating that the papers have been received only the other day as also the hearing for the day has been scheduled in respect of maintainability of the petition only.

Considering the rival submissions and the vociferous submission to restrain the respondent from taking any coercive steps, while agreeing to consider passing of interim order, granted time till 07.09.2020 for filing the counter affidavit and adjourned the matter for hearing. The respondent shall ensure that the counter affidavit to be filed by him shall properly be served on the counsel for the petitioner on or by the time granted by the Commission.

Call on 18.09.2020 at 11.00 A. M

Sd/-  
Member (F)

Sd/-  
Member (T)

Sd/-  
Chairman