

**Record of proceedings dated 18.01.2021**

O. P. No. 3 of 2015

M/s. Geo Syndicate Power Private Limited Vs. TSNPDCL

Petition filed seeking determination of tariff for the supply of electricity generated from geothermal energy to respondent pursuant to sections 62, 64, 86 (1) (a) & (b) and other applicable provisions of the Act, 2003.

There is no representation on behalf of the petitioner. Sri. T. Madhusudhan, CGM, TSNPDCL for respondent appeared through video conference. He stated that the counter affidavit had been filed earlier and the matter was listed in the year 2017 for the last time. At that time, the counsel for the petitioner was represented by his colleague and he sought adjournment of the matter due to inconvenience in appearing the matter. The Commission directed earlier to file comprehensive report for undertaking determination of tariff, which action was not taken by the petitioner. The project is high cost project and the DISCOM is not inclined to procure the power.

As there is no representation for the petitioner, the matter is adjourned. Office to issue specific notice to the petitioner indicating the next date of hearing as 01.03.2021.

Call on 01.03.2021 at 11:30 A.M.

Sd/-  
Member

Sd/-  
Member

Sd/-  
Chairman

O. P. No. 32 of 2015

&

I. A. No. 5 of 2015

M/s. Tata Power Trading Company Ltd. Vs. TSDISCOMs, APSPDCL, APEPDCL  
and APPCC

Petition filed seeking questioning the illegal, unilateral and wrongful deduction of Rs. 9,72,00,000/- and Rs. 96,48,000/- towards illegal compensation claim for supply of short term power.

I. A. filed seeking release of Rs. 9,72,00,000/- and Rs. 96,48,000/- in lieu of bank guarantee for corresponding amounts.

There is no representation on behalf of the petitioner. Sri. D. N. Sarma, OSD TSTRANSCO for respondents appeared through video conference. As there is no representation on behalf of the petitioner, specific notice may be issued to the

petitioner informing that the matter stands posted to 01.03.2021. According the matter is adjourned.

Call on 01.03.2021 at 11:30 A.M.

Sd/-  
Member

Sd/-  
Member

Sd/-  
Chairman

O. P. No. 42 of 2015

M/s. Penna Cement Industries Ltd. Vs. APTRANSCO, APPCC & DISCOM

Petition filed seeking recovery of Rs. 2,66,34,295/- towards pending dues on account of supply of electricity.

Sri. Deepak Chowdary, Advocate representing Sri. Challa Gunaranjan, counsel for the petitioner and Sri. Mohammad Bande Ali, Law Attachee of DISCOM alongwith Sri. D. N. Sarma, OSD TSTRANSCO for respondents appeared through video conference. The advocate representing the counsel for the petitioner stated that the matter is before the APTEL and hence, the matter cannot be proceeded with. On the other hand, the representative of the DISCOM stated that in the judgment on jurisdiction, the Hon'ble High Court held that CERC has jurisdiction and the petitioner has to make an application to transfer the case to CERC. In view of the ambiguity in the matter, the advocate stated that he will ascertain the factual position and if necessary file a proper memo in that regard. According he sought adjournment of the matter. The matter is adjourned. The petitioner / counsel shall file a detailed memo / statement on or before the date of hearing by giving the factual position in the matter as regards proceeding with the hearing.

Call on 01.03.2021 at 11:30 A.M.

Sd/-  
Member

Sd/-  
Member

Sd/-  
Chairman

O. P. No. 51 of 2015

&

I. A. No. 25 of 2015

M/s. Nile Limited Vs. APCPDCL, TSSPDCL & APSPDCL

Petition filed seeking directions to the respondents for payment of monthly power bills.

I. A. filed seeking amendment of title in the original petition.

Sri. Deepak Chowdary, Advocate representing Sri. Challa Gunaranjan, counsel for petitioner and Sri. Mohammad Bande Ali, Law Attachee of DISCOM for respondents appeared through video conference. The advocate representing the counsel for the petitioner stated that the matter is before the APTEL and hence, the matter cannot be proceeded with. On the other hand, the representative of the DISCOM stated that in the judgment on jurisdiction, the Hon'ble High Court held that CERC has jurisdiction and the petitioner has to make an application to transfer the case to CERC. In view of the ambiguity in the matter, the advocate stated that he will ascertain the factual position and if necessary file a proper memo in that regard. According he sought adjournment of the matter. The matter is adjourned. The petitioner / counsel shall file a detailed memo / statement on or before the date of hearing by giving the factual position in the matter as regards proceeding with the hearing.

Call on 01.03.2021 at 11:30 A.M.

Sd/-  
Member

Sd/-  
Member

Sd/-  
Chairman

O. P. No. 2 of 2016

M/s. Ultra Tech Cement Limited Vs. TSSPDCL & its officers

Petition filed seeking questioning the action of DISCOM in not implementing the order of the CGRF and to punish the licensee under section 142 of the Act, 2003.

Sri. Deepak Chowdary, Advocate representing Sri. Challa Gunaranjan, counsel for the petitioner and Sri. Mohammad Bande Ali, Law Attachee of TSSPDCL for respondents appeared through video conference. The counsel for the petitioner stated that the matter involves implementation of the order of the CGRF and accordingly, petitioner under section 142 of the Act, 2003 is filed. The representative of the DISCOM stated that the DISCOM questioned the order of the CGRF before the Hon'ble High Court. The Hon'ble High Court through a single Judge dismissed the same upon which appeal has been filed before two Judges of the Hon'ble High Court. The Division Bench of the Hon'ble High Court disposed of the appeal and directed the single Judge to hear afresh and decide the matter. The same has not been decided as yet. Moreover, the petitioner should have approached the CGRF for implementation of the order and not the Commission.

The counsel for the petitioner stated that the DISCOM is yet to file a counter affidavit in the matter. The representative of the DISCOM stated that DISCOM will file a memo giving details of the case and the status of implementation of the order of the CGRF by the next date of hearing. Accordingly, the matter is adjourned. The memo shall be filed well in advance with a copy to the counsel for the petitioner.

Call on 01.03.2021 at 11:30 A.M.

Sd/-  
Member

Sd/-  
Member

Sd/-  
Chairman

O. P. (SR) No. 28 of 2020  
&  
I. A. (SR) No. 29 of 2020

M/s. L & T Metro Rail (Hyderabad) Limited Vs TSSPDCL & its officers

Petition filed seeking directions to the licensee and its officers to give effect to the order of the Commission fixing the tariff under HT V (B) – HMR tariff.

I. A. filed seeking interim orders directing the respondents not to disconnect the electricity supply to the petitioner pending disposal of the original petition.

Sri. Avinash Desai, Advocate for the petitioner and Sri. Mohammad Bande Ali, Law Attachee of TSSPDCL for the respondents have appeared through video conference. The counsel for the petitioner stated that the issue is with regard to giving effect to the tariff order dated 23.06.2016. He had set forth the dates of operation of the Metro Rail including the permission. The representative of the DISCOM sought time stating that rejoinder is not received by them.

The Commission directed the petitioner to furnish a copy of the rejoinder to the respondents immediately as it was stated that the physical copy as also email were sent to the DISCOM on 16.01.2021. The matter is adjourned.

Call on 21.01.2021 at 11.30 AM.

Sd/-  
Member

Sd/-  
Member

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

Sri. Shreshth Sharma, Advocate representing Sri. Hemant Sahai, Senior Advocate for the petitioner and Sri. Mohammad Bande Ali, Law Attachee of TSSPDCL for respondent have appeared through video conference. The counsel for the petitioner stated that the petitioner has filed additional documents and also an application for amending the prayer in the petition to include the relief of payment of carrying costs of the dues payable towards entry tax. He also stated that the petition by oversight did not mention the percentage of the carrying cost or its value. He sought permission to include the same also by way of a separate paragraph to be included in the fresh application for amendment of the prayer in the original petition. The representative of the licensee, while conforming the receipt of the documents and the application by email, sought time for filing counter affidavit in the matter.

Agreeing to the request of the parties, the petition stands adjourned. The parties shall complete the filing of pleadings of the counter affidavit and rejoinder by 01.02.2021 with a copy to either side respectively without fail and the matter will be called for hearing on 11.02.2021.

Call on 11.02.2021 at 11.30 AM.

Sd/-  
Member

Sd/-  
Member

Sd/-  
Chairman