

Record of proceedings dated 21.01.2021

O. P. No. 15 of 2016

Garrison Engineer (AFA) Hakeempet Vs. TSSPDCL

Petition filed seeking determination of tariff for the power procured by it as deemed distribution licensee

There is no representation on behalf of the petitioner. Sri. Mohammad Bande Ali, Law Attachee of TSSPDCL for respondent has 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 04.03.2021. According the matter is adjourned.

Call on 04.03.2021 at 11.30 AM.

Sd/-
Member

Sd/-
Member

Sd/-
Chairman

O. P. No. 16 of 2016

Garrison Engineer (AF) Dundigal Vs --Nil--

Petition filed seeking determination of tariff for the power procured by it as deemed distribution licensee

There is no representation on behalf of the petitioner. 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 04.03.2021. According the matter is adjourned.

Call on 04.03.2021 at 11.30 AM.

Sd/-
Member

Sd/-
Member

Sd/-
Chairman

O. P. (SR) No. 5 of 2016

&

I. A. No. 6 of 2016

M/s. REI Power Bazaar Private Ltd. Vs TSTRANSCO, TSDISCOMs & TSGENCO

Petition filed seeking to establish power market (power exchange) in the State of Telangana u/s 86 (1) (k) r/w section 66 of the Act, 2003.

I. A. filed seeking to implead the applicant as respondent to the original petition.

Sri. Koushik, 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 petition is filed for establishing the power market in the State of Telangana. Earlier by order dated 06.12.2018, the Commission had directed the petitioner to file certain additional information, which has been complied with. The petitioner sought further time to argue the matter. Accordingly, the matter is adjourned, while informing the representative of the Indian Energy Exchange Limited that his implead application was dismissed on 06.12.2018. The office is directed to number the original petition.

Call on 04.03.2021 at 11.30 AM.

Sd/-
Member

Sd/-
Member

Sd/-
Chairman

O. P. (SR) No. 33 of 2016

M/s. Sundew Properties Limited Vs. –Nil--

Petition filed seeking determination of tariff for the power procured by it / to be charged to your consumers with TSSPDCL tariff as the ceiling tariff.

Sri. Abhishek Manot, Advocate representing J. Sagar Associates for the petitioner has appeared through video conference. The counsel for the petitioner stated that the petition is filed for determination of tariff for the power procured and to be charges to its consumers with the TSSPDCL tariff as ceiling tariff. The matter is pending since long time and the petitioner is unable to perform the licensee duties, therefore, this petition may be decided expeditiously.

The Commission sought to know whether it would proceed with the matter in the light of the fact that the petitioner had approached the Hon'ble ATE and subsequently the Hon'ble Supreme Court insofar as the order relating to grant of deemed distribution licence alongwith conditions. The counsel for petitioner stated that the appeal pending before the Hon'ble Supreme Court has no bearing on this petition as the limited issue in the appeal is with regard to infusing of additional capital into distribution business, which may be sustained or may not be sustained. If the condition is upheld then the petitioner is required to infuse additional capital as ordained by the Commission or otherwise, if it is struck down, then there will be no capital infusion. Thus, the case on hand has nothing to do with the above position.

Accordingly, it is submitted the matter may be taken up for consideration by the Commission.

The counsel for the petitioner stated that there are two other petitions filed by the petitioner herein, which also require consideration and may be directed to be list for hearing. Upon being informed by the office, that the above said matters stand posted to 28.01.2021, the counsel for the petitioner requested for posting this matter on the said date.

The counsel for the petitioner, upon being asked by the Commission with regard to developments in the appeal, stated that while the appeal in the earlier matter was before the Hon'ble ATE, the petitioner had sought directions to the Commission to proceed with the other matters pending before it, which the Hon'ble ATE allowed the Commission to do so. The Commission required the counsel for the petitioner to place all records on the file of the Commission relating to the developments in the matter, to which he agreed.

The Commission while adjourning the matter and directing it to be posted on 28.01.2021, also directed the office to number the original petition.

Call on 28.01.2021 at 11.30 AM.

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 petitioner was ready to operate the rail network as early as 20.04.2016 on commercial basis, but it was not allowed to do so as the state government postponed the inauguration of the same. Though, it was not allowed to operate commercially, it was required to run the operations owing to the conditions imposed by the equipment and rolling stock manufacturers to maintain its efficiency, as otherwise the same will tend to deteriorate. The petitioner was required to run the rakes every three to seven days. Even in Covid-19 period also the same exercise was undertaken as the government had directed to shutdown of the metro services.

The consumption of power supply during both the periods is similar. The respondents have given effect to the tariff category in the year 2017, whereas the Commission had notified the tariff category of HT V (B) in the year 2016 itself. The issue is with regard to the period from 01.07.2016 to 31.08.2017 wherein the billing has to be done under HT category V (B) instead of HT category – II commercial, which the respondents have resorted to without giving effect to the tariff order of the Commission. In fact, even in the year 2017 also after the tariff order dated 23.08.2017, the tariff was not given effect to, however, subsequently the respondents themselves have corrected the categorization and gave effect to the order of the Commission.

The counsel for the petitioner sought to highlight the contentions in the counter affidavit that the respondents did not give effect to the tariff order in the year 2016 as the petitioner was yet to run the rail system on commercial basis. The supply was availed for rail system separately and for construction as well as advertisement activities separately. The issue in this petition is with regard to rail system only and it has no issues now before the Commission with regard to construction and advertisement consumption. The interpretation that the rail system was under construction activity only in the year 2016-17 as no commercial operation was taken up, is misplaced. The commercial activity of running trains has nothing to do with availing power supply, which is specific to that activity and as the Commission had already identified the category on the proposal of the licensee, the same cannot be denied to the petitioner.

The representative of the respondents stated that though the Commission had identified the category and fixed the tariff in the year 2016, the petitioner was yet to commercialise the operation of the metro rail, the same was billed under HT commercial category treating it as under construction. He sought to defend the contentions raised in the counter affidavit, stating that as long as commercial activity or running the trains on commercial basis did not take place, the licensee is not bound to give effect to the categorization as approved by the Commission.

The counsel for the petitioner also placed his reliance on the concession agreement entered by the government for establishing the metro rail network wherein it was agreed that the state government would make available the power supply required for operation of metro rail. Pursuant to such concession only, the licensee had approached the Commission seeking specific categorization of metro rail operations for undertaking power supply. Accordingly, the Commission may consider directing the licensee to give effect to the order of the Commission.

Having heard the submissions of the parties, the matter is reserved for orders.

Sd/-
Member

Sd/-
Member

Sd/-
Chairman