

Record of proceedings dated 22.03.2021

O. P. No. 71 of 2018

M/s. MSR Mega Bio-Power Private Limited Vs. TSNPDCL

Petition filed seeking determination of tariff for the industrial waste power plant.

Sri Deepak Chowdary, Advocate representing Sri. Challa Gunaranjan, Advocate for petitioner and Sri. Mohammad Bande Ali, Law Attachee for respondent have appeared through video conference. The counsel for the petitioner stated that the petitioner is required to file a rejoinder in the matter and sought time for two weeks for filing the same. The representative of the respondent stated that there is no requirement of rejoinder. The Commission pointed out that the respondent is agreeable for the prayer of the petitioner. However, the counsel for the petitioner stated that he needs to advert few aspects of tariff and therefore, time may be granted for rejoinder and submissions. Accordingly, the matter is adjourned and there will be no further adjournment in the matter.

Call on 31.03.2021 at 11.30 A.M.

Sd/-
Member

Sd/-
Member

Sd/-
Chairman

O. P. No. 2 of 2020

M/s. Tejas India Solar Energy Private Limited Vs. TSSPDCL & TSTRANSCO

Petition filed seeking directions to the respondents to synchronize the plant and consequently grant long term open access permission.

Sri. Abhinay Reddy, Advocate representing Sri P. Vikram, Advocate for petitioner and Sri Mohammad Bande Ali, Law Attachee for respondents have appeared through video conference. The counsel for the petitioner stated that the counsel for the petitioner narrated the facts of the case and sought relief as prayed for. The representative of the respondents stated that the petitioner was ready only with 3 MW plant and not 6 MW in terms of the PPA. Therefore, the licensees have invoked the bank guarantee in the year 2018. Before invoking the bank guarantee, the TRANSCO and DISCOM had made correspondence in the matter. But the petitioner is not forthcoming with regard to the total capacity. The petitioner failed to comply with the requirements of the PPA, therefore, the licensee had no option but to invoke

the bank guarantee. The representative of the respondents sought to explain the action taken by the respondents by quoting extensively from the counter affidavit. At this stage, the counsel for the petitioner sought further time to clarify the factual position in the matter. Accordingly, the matter is adjourned.

Call on 31.03.2021 at 11.30 A.M.

Sd/-
Member

Sd/-
Member

Sd/-
Chairman

O. P. No. 6 of 2020

M/s. Satec Envir Engineering (India) Private Limited Vs. TSSPDCL & Spl. Chief
Secretary, Energy Department

Petition filed seeking extension of SCOD and granting time for completing the project.

Sri. P. Srinivasa Rao, Advocate for the petitioner and Sri Mohammad Bande Ali, Law Attachee for respondents have appeared through video conference. The counsel for the petitioner stated that the matter involves the extension of SCOD of the project. The petitioner has sought extension of SCOD as was done in the earlier cases decided by the Commission relying on the force majeure conditions. He thoroughly explained the dates and events, which resulted in SCOD being not declared till date. He also stated that the respondents have stated several facts about sending letters including default notice to the petitioner, which have not been received by the petitioner. He pointed out that the reply is filed denying such communication made by the licensees.

The Commission sought to know why a pleading of change in law is made. In reply, the counsel for the petitioner pointed out that action taken by the respondents as also the policy adopted by the government do constitute change in law. It is his case that the facts and circumstances tend more towards the force majeure events than that of change in law and as such, this contention may be considered in that context only.

The representative of the respondents stated that the petitioner ought to have completed the project in 12 months and at best by 30.06.2017, which the government had allowed and the Commission had accepted. Despite several letters by the respondents to the petitioner to avail the benefit of extended SCOD, the

petitioner was not forthcoming to comply with the same and to complete the project. The licensees had no option to invoke the bank guarantee and terminate the agreement. The said action was also communicated to the petitioner. Now at this belated stage, the petitioner is not entitled to the relief sought for having not completed the project as yet.

The counsel for the petitioner pleaded for allowing the petition and granting 6 months time to achieve the SCOD. At the same time, he was emphatic that the petitioner is not in receipt of any communication on the aspect of bank guarantee default notice and termination of the PPA. The Commission required the licensees to place the relevant proof of serving of the alleged letters to the petitioner, as it is not sufficient to state in the counter affidavit. The matter is adjourned for sole purpose. Accordingly, the matter is adjourned.

Call on 31.03.2021 at 11.30 A.M.

Sd/-
Member

Sd/-
Member

Sd/-
Chairman

O. P. No. 72 of 2018

M/s. Kallam Spinning Mills Limited Vs. TSDISCOMs

Petition filed seeking directions to the DISCOMs to procure power from its hydel project.

Sri P. Srinivasa Rao, Advocate for the petitioner and Sri Mohammad Bande Ali, Law Attachee for the respondents have appeared through video conference. The counsel for the petitioner stated that the petitioner requested for procurement of balance capacity of the hydel project under the existing agreement. This request is now being made due to the reason that earlier that capacity was utilized for captive consumption in the combined state of Andhra Pradesh, which is not feasible now. The situation arose due to bifurcation of the erstwhile state of Andhra Pradesh and the said capacity cannot be utilized as captive power, as it will attract several charges and is uneconomical. The petitioner made a request to the DISCOM to procure the said capacity also at a rate of Rs. 4.20 per unit as in any case they are required to comply with the renewable power purchase obligation.

The counsel for the petitioner also stated that the present agreement would expire in about 11 months that is February, 2022, as such the present request is made for the

remaining period of agreement. The respondents sought to rely on the orders of the erstwhile APERC in the year 2013 and 2014. The said orders are neither relevant nor appropriate. The order of the erstwhile APERC of the year 2013 is with reference to finalization of the figures relating to tariff in continuation of the orders of the Hon'ble ATE. The order relating to the year 2014 has no bearing as it had landed in Hon'ble ATE and got modified including its application, is not appropriate to the facts of this case. The counsel for the petitioner relied on the decision of the Hon'ble Supreme Court on the action of the administration and how it should be interpreted.

The representative of the respondents while reiterating the facts stated in the counter affidavit sought to emphasize that the licensees are agreeable to procure power at a rate as approved by the Commission. He quoted the tariff as decided by the erstwhile APERC and stated that the tariff of Rs. 3.03 per unit is agreeable for them. Though, they have not stated in the reply to the counter affidavit, they are willing to procure the power at a reasonably mutually agreed tariff.

The counsel for the petitioner placed on record the submission that representations are made upto the level of the government for consideration of the issue. At this stage the Commission felt it appropriate and directed the parties to mutually discuss the matter across the table and settle the issue. The Commission required the parties to report about the action taken by them by the next date of hearing. The matter is adjourned for further hearing.

Call on 19.04.2021 at 11.30 A.M.

Sd/-
Member

Sd/-
Member

Sd/-
Chairman