

Record of proceedings dated 01.03.2021

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 despite service of notice. Sri. Mohammad Bande Ali, Law Attachee, TSSPDCL for respondent has appeared through video conference. The representative of the respondent stated that the respondent was under the impression that the petitioner would file a detailed report and that they will submit their arguments in the matter. At this juncture, the Commission pointed out that the petitioner is not represented despite service of notice and the Commission would like to hear the matter on merits. The representative of the respondent sought time to make submissions in the matter. Accordingly, the matter is adjourned.

Call on 19.04.2021 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.

Sri Vishal, Advocate for the petitioner and Sri. D. N. Sarma, OSD (Legal and Commercial) for respondents have appeared through video conference. The counsel for the petitioner stated that the matter relating to the issue in the petition is pending before the Hon'ble High Court and there is a stay granted in the year 2012. Though applications have been filed for expediting the hearing before the Hon'ble High

Court, due to heavy work load before the Hon'ble High Court, the same is not being taken up for hearing. The Commission pointed out that the issue of jurisdiction also is involved in the matter. The Commission required the petitioner to file a detailed memo in the matter on the issues of pendency and jurisdiction. The Counsel for petitioner agreed to do so. The representative of the respondents is also in agreement with the request and submissions of the counsel for petitioner. According the matter is adjourned.

Call on 19.04.2021 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. Challa Gunaranjan, Counsel for petitioner and Sri. D. N. Sarma, OSD (Legal & Commercial) for respondents have appeared through video conference. The counsel for petitioner stated that the matter involves four distribution companies and it was filed in the combined APERC and the matter involves jurisdiction also and as such the matter has to be transferred to CERC. This is in view of the judgment of the Hon'ble Supreme Court in the matter of jurisdiction. The Commission may transfer this file to CERC. The representative of the respondents is in agreement with the submissions of the counsel for petitioner. Accordingly, the Commission will make necessary orders.

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. Challa Gunaranjan, Counsel for petitioner and Sri. Mohammad Bande Ali, Law Attachee for TSDISCOMs have appeared through video conference. The counsel for petitioner stated that the matter is before the CERC and he was the counsel for the petitioner, when the matter was filed before the combined ERC. However, the matter involves four distribution companies and the matter falls under jurisdiction issue also and as such the matter has to be transferred to CERC. This is in view of the judgment of the Hon'ble Supreme Court in the matter of jurisdiction. The Commission may transfer this file to CERC. The representative of the respondents is in agreement with the submissions of the counsel for petitioner. Accordingly, the Commission will make necessary orders.

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. Challa Gunaranjan, Counsel for the petitioner and Sri. Mohammad Bande Ali, Law Attachee of TSSPDCL for respondents have appeared through video conference. The counsel for the petitioner stated that the matter is with regard to implementation of the order of the CGRF. The respondents have approached the Hon'ble High Court by filing writ petition, which was decided by the single judge holding that there is no remedy against the order of the CGRF. The respondents further questioned the said order before a Division Bench of the Hon'ble High Court, which has allowed the appeal and remanded the matter back to the single judge for a fresh consideration by holding where there is no remedy provided under the statute in such cases, parties can invoke the writ jurisdiction. Thus, the matter is pending before the Hon'ble High Court, as there is no stay by the Hon'ble High Court, the DISCOM ought to have implemented the order of the CGRF. However, since the matter is pending before the Hon'ble High Court, the same may be adjourned sine-die without any date. The petitioner will approach the Commission with a memo as and when the writ petition is disposed of. The representative of the respondents agreed to the factual position.

In view of the submission of the counsel for the petitioner, the matter is adjourned sine-die and the petitioner will make a memo about the disposal of the case pending before the Hon'ble High Court. Upon such memo, the matter will be taken up for hearing.

Sd/-
Member

Sd/-
Member

Sd/-
Chairman

O. P. No. 8 of 2021

M/s. Singareni Collieries Company Limited Vs TSDISCOMs

Petition filed seeking resolution of disputes regarding billing U/s. 86 (1) (f) of the Act, 2003.

Sri. Jishnu, Consultant for the petitioner and Sri. D. N. Sarma, OSD (Legal and Commercial) for the respondents have appeared through video conference. The representative of the respondents sought time of four weeks for filing counter affidavit on behalf of the respondents. Accordingly, the matter is adjourned.

Call on 19.04.2021 at 11.30 AM.

Sd/-
Member

Sd/-
Member

Sd/-
Chairman

O. P. No. 9 of 2021

M/s. Madhucon Sugar & Power Industries Limited Vs. TSNPDCL

Petition filed Seeking determination of the tariff and fixed cost in respect of 24.2 MW bagasse based cogeneration project.

Sri. Challa Gunaranjan, Advocate for 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 petition is filed for determination of the tariff for the petitioner's project. The representative of the respondent sought time of two months for filing counter affidavit in the matter. The respondent is permitted to do so and the counter shall be filed on or before 19.04.2021 by serving a copy of the same to the counsel for petitioner through email or in physical form. The counsel for petitioner may file rejoinder, if any, on or before 26.04.2021 by serving a copy of the

same to the respondent through email or in physical form. Accordingly, the matter is adjourned.

Call on 29.04.2021 at 11.30 AM.

Sd/-
Member

Sd/-
Member

Sd/-
Chairman

Mentioned matters:

O. P. Nos. 19 to 24 of 2015

Sri Challa Gunaranjan, Advocate representing the respondents in the above said matters, has made a mention before the Commission of the same. He stated that the matter need not be transmitted to CERC in terms of the order of the Hon'ble Supreme Court on the issue of jurisdiction, as the substantive issue of levy of wheeling charges, which has been remanded by the Hon'ble ATE to the Commission, has been set aside by the order of the Hon'ble Supreme Court upholding levy of wheeling charges. As such, the matters may be closed as infructuous. Acceding to the request of the counsel for the respondents, he is directed to file a memo to that effect upon which the Commission will pass orders in the matters treating them as stand closed being infructuous.

Sd/-
Member

Sd/-
Member

Sd/-
Chairman