

## **Record of Proceedings dated 27.11.2017**

O. P. No. 20 of 2016

M/s. Sugna Metals Limited Vs. Officers of TSSPDCL

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

Sri. N. Vinesh Raj, counsel for the petitioner and Sri. Y. Rama Rao, Standing Counsel for the respondents alongwith Ms. Pravalika, Advocate are present. The counsel for the petitioner stated that the petition is filed for non-implementation of order in CG No. 1245 of 2015 as confirmed by the Ombudsman. The issues involved in the grievance are that the dispute has been raised regarding demand charges and voltage surcharge levied by the DISCOM during the restriction and control measures. The violation of the orders of the CGRF for adjusting Rs. 47 lakhs and claiming voltage surcharge of Rs. 79 lakhs without proper application of the orders of the Commission in respect of R & C measures is complained of. The counsel for the petitioner stated that the issue of demand charges was agreed to be implemented but the licensee is not giving effect to the order of the Ombudsman. Therefore, according to the petitioner the total amount due is only Rs. 19 lakhs.

The standing counsel for the respondents stated that the issue is relating to the calculation of R & C measures period and application of the order of the Commission. In fact, the petitioner had approached the Hon'ble High Court in W. P. No. 16367 of 2015 seeking the relief of implementation of the order of the Ombudsman. He posed question for himself that an order passed by the CGRF as merged in the order of the Ombudsman, can be the subject matter of implementation before the Commission and stated that the same cannot be entertained by the Commission. However, the respondents are inclined to implement the order that may be passed by the Commission. He also stated that in another writ petition the petitioner had sought implementation of the order quoting the Writ Petition as W.P. No.753 of 2016 against the Appeal No. 154 of 2015. He also stated that he had advised the licensee to approach the Hon'ble High Court.

The counsel for the petitioner replied in the negative as regards the 2<sup>nd</sup> writ petition as being the connected to the petitioner in respect issue in this writ petition.

The order of the Ombudsman is sought to be implemented for the entire period relating to R & C measures, whereas, the finding in respect of only one month and that too November, 2012 only, wherein the Commission gave one order applicable upto 06.11.2012 and fresh order applicable from 07.11.2012. He is inclined to pay Rs. 19 lakhs, which according to him is due to the licensee. The counsel has filed written submissions.

The Commission observed that the licensee shall bring out true picture in the matter alongwith the details of cases referred and related to the petitioner and also file its written submissions. However, the matter is adjourned.

Sd/-  
Member

Call on 19.12.2017 at 11.00 A.M.  
Sd/-  
Chairman

O. P. No. 21 of 2016

Sri Akthar Ahmed Vs. Officers of TSSPDCL

Petition filed seeking for questioning the action of DISCOM in not implementing the order of the c|GRF and to punish the licensee under sec. 142 of Electricity Act, 2003.

Sri. N. Vinesh Raj, counsel for the petitioner and Sri. Y. Rama Rao, Standing Counsel for the respondents alongwith Ms. Pravalika, Advocate are present. The counsel for the petitioner stated that the petition is for implementation of the order of the CGRF for shifting of overhead line. This order had been confirmed by the Ombudsman. The counsel for the respondents stated that the line is existing for the last 48 years and cannot be shifted now. Moreover, the CGRF, whose officers have been appointed by them only have passed orders contrary to the regulations and terms and conditions of supply directing the licensee to shift the line at its costs. The said order has been confirmed by the Ombudsman by adding that no charges will be collected from the petitioner. This is completely contrary to the prevailing law and cannot be sustained. He has already advised the licensee on the action to be taken of questioning the provisions of the act having lacuna in not providing appeal to the licensees against the order of the CGRF and the same is before the Hon'ble High Court as per the instructions received by him.

The Commission reminded the standing counsel that it had recorded in its daily order earlier that the concerned officer will be responsible for any untoward incident

that may take place due to non-shifting of line. In response the standing counsel showed fresh photograph which is not filed before the Commission that steps have been taken to correct the swaging. However, he requested time to file the details of the writ petition filed before the Hon'ble High Court and that he would place all the matters including law in argument on the said date. According, the matter is adjourned.

Call on 19.12.2017 at 11.00 A.M.

Sd/-  
Member

Sd/-  
Chairman

O. P. No. 27 of 2016

M/s. Sugna Metals Limited Vs. Officers of TSSPDCL

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

Sri. N. Vinesh Raj, counsel for the petitioner and Sri. Y. Rama Rao, Standing Counsel for the respondent alongwith Ms. Pravalika, Advocate are present. The counsel for the petitioner stated that the petitioner filed the present petition seeking implementation of the order of the CGRF as confirmed by the Ombudsman. In opposition the standing counsel for the respondents stated that the licensee is not bound to implement an order passed contrary to the regulation. He also stated that the licensee has preferred writ petition before the Hon'ble High Court, which is yet to be listed and they are yet to obtain orders in the matter. Therefore, he requests for adjournment and accordingly adjourned.

Call on 19.12.2017 at 11.00 A.M.

Sd/-  
Member

Sd/-  
Chairman

R. P. (SR) No. 46 of 2016

In

O. P. Nos. 6 & 7 of 2016

M/s. Salasar Iron and Steel Private Ltd. Vs. TSDISCOMs

Petition filed seeking review of the tariff order dated 23.06.2016 passed in O. P. for FY 2016-17 insofar as regards KVAH billing of energy on consumers.

Sri. N. Vinesh Raj, counsel for the petitioner and Sri. Y. Rama Rao, Standing Counsel for the respondent alongwith Ms. Pravalika, Advocate are present. The counsel for the respondent stated that the counter affidavit had already been filed before the

Commission. Office is directed to check the same. The counsel for the petitioner also sought time stating that the counter affidavit mentions about the pendency of the case before the Hon'ble ATE and he would obtain instructions from his client in the matter. Accordingly, the matter is adjourned.

Call on 19.12.2017 at 11.00 A.M.

Sd/-  
Member

Sd/-  
Chairman

O. P. No. 11 of 2017

M/s. Sugna Metals Limited Vs. Officers of TSSPDCL

Petition filed seeking to punish the officers of the TSSPDCL for not implementing the orders of the Commission passed in O. P. No. 92 of 2015.

Sri. N. Vinesh Raj, counsel for the petitioner and Sri. Y. Rama Rao, Standing Counsel for the respondents alongwith Ms. Pravalika, Advocate are present. The counsel for the petitioner has stated that the petition is filed for violation of the order of the Commission imposing penalty of Rs.10,000/- in the earlier order and that therefore, the petitioner now seeks imposition of fresh penalty apart from the pending penalty amount due to the petitioner as directed by the Commission. The counsel for the respondents stated that the respondents will implement the orders and pay the penalty of Rs. 10,000/- as directed earlier by the Commission by next date of hearing. Accordingly, the matter is adjourned.

Call on 19.12.2017 at 11.00 A.M.

Sd/-  
Member

Sd/-  
Chairman

R. P. (SR) No. 32 of 2017

In

O. P. No. 22 of 2016

TSSPDCL Vs. – Nil –

Review petition filed for review of the order dated 26.08.2017 determining the retail tariff for 2017-18

Sri. Y. Rama Rao, Standing Counsel for the review petitioner alongwith Ms. Pravalika, Advocate and Sri G. Raghuma Reddy, Chairman & Managing Director of the petitioner and his companion of officers are present.

The standing counsel explained in detail the contents of the review petition relying on sections 62, 64 and 94 of the Electricity Act, 2003. It is his contention that the review petition is maintainable in terms of Clause 32 of the Conduct of Business Regulation, 2015. He explained the reasons for filing review petition and the topics that are sought for review of the tariff order passed by the Commission 26.08.2017. The thrust of his argument was with reference to approving the agricultural consumption for FY 2017-18 in comparison to FY 2016-17. He stated that there is increasing agricultural consumption due to policy of the government to extend supply from 7 hours to 9 hours in a day for agricultural purpose. This fact alone made the difference in the tariff determination and therefore, the tariff order needs to be amended. This fact came to light after filing of the tariff proposals which were implemented as per the policy of the government.

The other important issue is with relation to cross subsidy surcharge, which has been calculated contrary to formula adopted in FY 2016-17. It is resulting in loss to the licensee, in fact, all the issues raised therein are in one way or the other affecting the licensee and resulting in losses.

The Commission sought to know why the licensee depending on estimates in agricultural consumption and not taking steps to fix the meters to DTRs. This exercise is going for several years despite directions from the erstwhile APERC and this Commission also. In reply, the CMD stated that the DISCOMs have proposed to the government for capital expenditure of Rs. 2,700 crores for installing meters by segregating the agricultural feeders from other supply services. They are yet to receive approval from the government and sanction for the amount as desired by them.

The Commission expressed its point that if the review petition has been admitted and order on merits of the issues is to be passed, which have bearing on the tariff already determined then it has to go through the process of public hearing and then only decide the matter. It also sought to know whether a decision in this matter can be delayed till the filing of proposals for FY 2018-19. The counsel for the review petitioner stated that the Commission may take a view dehorse the observations as in any case the petitioner will be filing the proposals for FY 2018-19 taking into account the proposed policy of the government to provide 24 / 7 power supply to agriculture

from January, 2018 onwards. Having regard to the submissions, the matter is reserved for orders.

Sd/-  
Member

Sd/-  
Chairman

R. P. (SR) No. 34 of 2017

In

O. P. No. 23 of 2016

TSNPDCL Vs. – Nil –

Review petition filed for review of the order dated 26.08.2017 determining the retail tariff for 2017-18

Sri. Y. Rama Rao, Standing Counsel for the review petitioner alongwith Ms. Pravalika, Advocate and Sri. A. Gopal Rao, Chairman & Managing Director of the petitioner and his companion of officers are present.

The standing counsel explained in detail the contents of the review petition relying on sections 62, 64 and 94 of the Electricity Act, 2003. It is his contention that the review petition is maintainable in terms of Clause 32 of the Conduct of Business Regulation, 2015. He explained the reasons for filing review petition and the topics that are sought for review of the tariff order passed by the Commission 26.08.2017. The trust of his argument was with reference to approving the agricultural consumption for FY 2017-18 in comparison to FY 2016-17. He stated that there is increasing agricultural consumption due to policy of the government to extend supply from 7 hours to 9 hours in a day for agricultural purpose. This fact alone made the difference in the tariff determination and therefore, the tariff order needs to be amended. This fact came to light after filing of the tariff proposals which were implemented as per the policy of the government.

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Commission also. In reply, the CMD stated that the DISCOMs have proposed to the government for capital expenditure of Rs. 2,700 crores for installing meters by segregating the agricultural feeders from other supply services. They are yet to receive approval from the government and sanction for the amount as desired by them.

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Sd/-  
Member

Sd/-  
Chairman