

Record of Proceedings dated 03.11.2018

O. P. No. 61 of 2018

M/s. Sarvotham Care Vs. TSTRANSCO & TSSPDCL

Petition filed seeking directions for treating the units supplied after synchronization to be banked units or to pay for the same by the licensee.

Sri. N. Sai Phanindra Kumar, Advocate representing Sri. Challa Gunaranjan, Advocate for the petitioner and Sri. Y. Rama Rao, Standing Counsel for the respondents along with Ms. M. Pravalika, Advocate are present. The counsel for the petitioner stated that the counter affidavit from TSTRANSCO has been filed, but the TSSPDCL has not filed the same. The petitioner applied for LTOA, but it was not granted within 30 days as stipulated in the regulation. It was granted after two and half months on 13.01.2016. It is a 5 MW captive power plant. The plant was synchronized on 28.09.2015. The energy supplied to the grid should be treated as banked energy. The Commission had, based on the policy of the government, allowed such banking in O. P. No. 94 of 2015. The same benefit may be extended to the petitioner project. However, the petitioner needs to file rejoinder to advert to and reiterate certain facts as counter affidavit states otherwise. The counsel for the respondents stated that the counter affidavit filed by them points that the regulation is made by the Commission in 2017, as such no benefit of banking can be extended to the petitioner. As the counsel of the petitioner is seeking time for filing rejoinder, he has no objection for the same.

Having considered the submission and request of the counsel for the petitioner, the matter is adjourned.

Call on 09.11.2018 at 11.00 A.M.

Sd/-
Chairman

O. P. No. 62 of 2018

Hindustan Aeronautics Limited Vs. -Nil-

Petition filed seeking exemption from restriction on net metering regulation capacity of 1 MW and establishing a capacity of 2 MW solar power unit.

Sri. A. K. Sarkar, Deputy General Manager (Maintenance) on behalf of the petitioner is present. The representative of the petitioner stated that the Commission directed the DISCOM to express their view on granting or otherwise, exemption from net metering facility limitation. It is understood that they have filed the requisite opinion before the Commission. The present request is based on similar request made to other Commissions, which was granted to sister units in the respective states. The project is being developed on a developer mode. The standing counsel for the DISCOMs in order to assist the Commission in the matter emphasized the fact that the regulation provided for only 1 MW and deviation even if it is made for the sake of defence unit of the Central Government. It will open pandora box and it cannot discriminate between a government institution and a private individual in respect of exempting the capacity.

The representative of the petitioner stated that they are unable to form a joint venture or a captive generator as their core business is in defence works. The Commission may consider in terms of the orders passed by other Commissions. At this stage, the Commission pointed out that there was no difficulty in establishing a captive unit, as the land itself would make for an investment of 26% share and in energy it will be 100% share. The difficulty for the unit like the petitioner is that the Ministry of New and Renewable Energy is pushing for achieving capacity of 150 GW in renewable energy and is not following the Electricity Act, 2003 along with rules and regulations framed by other authorities. The petitioner shall inform the Commission by filing written submissions as to whether they are prepared to establish as a captive solar plant by taking necessary instructions from the senior management of the petitioner. The matter is reserved for orders.

Sd/-
Chairman

O. P. No. 63 of 2018

M/s. Srinivasa Power Pvt. Ltd. Vs. TSSPDCL

Petition filed seeking determination of tariff for the period 11th to 20th year of the project.

Sri. P. Srinivasa Rao, Advocate for the petitioner and Sri. Y. Rama Rao, Standing Counsel for the respondents along with Ms. M. Pravalika, Advocate are present. The

counsel for the petitioner stated that the petitioner is an existing hydel project of 0.5 MW. The prayer is for determination of the tariff for 11th to 20th year of the project. Earlier there was order of the combined Commission but the Hon'ble ATE limited it to the appellants who approached the Hon'ble ATE. Thus, the petitioner is required to obtain necessary orders for fixation of the tariff for the said period. The counsel for the respondents sought further time for filing counter affidavit.

The Commission pointed that for hydel projects, there is no sufficient water for functioning of the plant and sought to know how many projects are functioning. It was stated that four projects are functioning in the State of Telangana at present. In view of the request of the counsel for the respondents, the matter is adjourned.

Call on 17.11.2018 at 11.00 A.M.

Sd/-
Chairman

O. P. No. 64 of 2018
&
I. A. No. 39 of 2018

M/s. Kranthi Edifice (P) Ltd. Vs. TSSPDCL & its officer

Petition filed seeking extension of SCOD beyond 08.01.2015 and a direction to that effect to TSSPDCL to amend the PPA.

I. A. filed seeking directions to the TSSPDCL not to take any coercive steps against the petitioner including termination of the PPAs.

Sri. D. Raghavender Rao, Advocate for the petitioner and Sri. Y. Rama Rao, Standing Counsel for the respondents along with Ms. M. Pravalika, Advocate are present. The counsel for the petitioner stated that the facts were narrated on the earlier date of hearing. The respondents are not accepting to proceed further as they have encashed the bank guarantee and the petitioner is willing to provide the same from another company's name. This is hampering the synchronization of the project. However, the Hon'ble High Court earlier and the Commission at present have safeguarded the interest of the petitioner by directing that the licensee shall not take any coercive steps.

The counsel for the respondents stated that the PPA had been cancelled and agreement had been terminated. In first place, the petitioner has to take steps to amend the PPA and then seek synchronization of the project.

The Commission sought to know as to when would be the project ready and on this date the project is likely to be synchronized to the grid. For this purpose, it required the petitioner to state and file complete details by the next date of hearing indicating the specific data of the synchronization clearly identified by the EPC contractor. Accordingly, the matter is adjourned.

Call on 17.11.2018 at 11.00 A.M.

Sd/-
Chairman

O. P. No. 65 of 2018

M/s. Oberon Power Corporation Pvt. Ltd. Vs. TSNPDCL

Petition filed seeking adoption of tariff of Rs.5.72 / unit agreed by the petitioner before the government.

Sri. P. Srinivasa Rao, Advocate for the petitioner and Sri. Y. Rama Rao, Standing Counsel for the respondent along with Ms. M. Pravalika, Advocate are present. The counsel for the petitioner stated that the matter is having urgency as the government has granted 90 days only and 60 days have already gone by. The licensee was directed to file a report which they have done so along with the counter affidavit, wherein it has been clearly stated that the line works have been completed, but the core of the project is yet to be completed. The petitioner intends to complete the same expeditiously within three months. However, there is a difficulty of financing and unless the Commissions grants SCOD the finance institutions may not release the funding required by the project.

The counsel for the respondent stated that the project is relating to 2012 bidding and several extensions were given earlier by the government and the Commission to complete the project. No progress has been made by the petitioner and not even efforts were made to complete the project. The PPA stood terminated on 27.06.2018 as the petitioner was not coming forth with progress of the project.

The Commission pointed out that according to the report of the DISCOM substantial work has to be taken up. It is not clear from the request of the petitioner as to when the synchronization would take place to the grid as one of the key areas of erecting the panels is still pending.

The counsel for the petitioner stated that the DISCOM has filed the same report to the government also. Based on such report only, the government has considered the rate and extension of time. The petitioner will be in a position to complete the project by February, 2019 after entering into contract in respect of EPC. The petitioner is required to file detail submissions including the date of synchronization of the project. The petitioner is required to coordinate with the TSTRANSCO and DISCOM without fail at each step of the project. The submissions shall be filed by the next date of hearing. Accordingly, the matter is adjourned.

Call on 17.11.2018 at 11.00 A.M.

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Sd/-
Chairman

O. P. No. 67 of 2018

M/s. Shalaka Infra-Tech (I) Pvt. Ltd. Vs. Spl. Chief Secretary (Energy), TSSPDCL
alongwith its officer and TSTRANSCO

Petition filed seeking declaration of SCOD of the project to be 11.11.2017 instead of 29.02.2017 of the 15 MW solar project in terms of the Article 9 of the PPA.

Sri. Challa Gunaranjan, Advocate for the petitioner and Sri. Y. Rama Rao, Standing Counsel for the respondents along with Ms. M. Pravalika, Advocate are present. The counsel for the petitioner stated that the PPA is on 29.02.2016, accordingly to PPA SCOD on 29.02.2017. The actual SCOD is on 11.11.2017. Before the actual synchronization, work completion certificate was given on 17.08.2017 and request for synchronization was made on 21.08.2017. The CEIG approval was given on 17.10.2017. The Commission already considered extension up to 31.10.2017 in several cases. The counsel for the respondents stated that the facts are stated in

terms of the counter affidavit and in view of the orders of the Commission in other cases, no additional submission is required to be added other than reiterating the contents of the counter affidavit.

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

Sd/-
Chairman