

Record of Proceedings dated 08.12.2017

O. P. No. 6 of 2015

&

I. A. No. 28 of 2015

M/s Rithwik Power Projects Limited vs TSNPDCL

Petition filed seeking directions to the Licensee for payment of tariff for the additional capacity of 1.5 MW at the rate being paid to existing 6 MW power plant.

Filed an I.A seeking to amend the title in the original petition.

Sri. T. Vizhay Babu, Advocate representing Sri. Challa Gunaranjan, counsel for the petitioner and Ms. Pravalika, Advocate representing Sri. Y. Rama Rao, Standing Counsel for the respondent are present. The advocate representing the counsel for the petitioner has stated a few facts of the case. The emphasis is on directing the DISCOM to enter into PPA for additional capacity of 1.5 MW. The representations were made to the APPCC in the year 2013 and further to the then Commission but without any response. On the other hand, the advocate representing the standing counsel has pointed out that the PPA had been entered for the capacity of 6 MW only and if the petitioner has increased it subsequently, they are not inclined to look into it unless and until the petitioner approaches them as directed by the Commission.

The Commission at this stage has made several observations about the act of the petitioner as well as licensee in the matter. It was made clear to the petitioner that the petitioner should place before the Commission the DPR of the project on the basis of which the project was sanctioned and PPA had been entered by the distribution licensee. It should also state whether the PPA contained the project cost and if so, whether it is for 6 MW or 7.5 MW. Applying certain parameters the plant life will be extended or enhanced, is it the case of the petitioner for applying such parameters and enhancing capacity? Is it the case of the petitioner that fixed and variable cost have to be re-determined? The licensee is also not clear on the aspect of agreeing or disagreeing to accept the additional capacity to be contracted with the petitioner. A stock reply is given by the advocate on the instructions of the officer concerned that the petitioner is not approaching them for discussing the matter or for taking a decision on contracting the additional capacity of 1.5 MW, which the Commission views to be the irrelevant answer and is not clear response to the petition. The licensee is also not

ready to state whether the fixed cost arrived at and shown in the PPA is with reference to 6 MW capacity or 7.5 MW capacity. In the absence of these details and factual position, matter cannot be proceeded with. The respective parties have to make their stand clear in the matter. Only upon filing the necessary information, the petition can be considered. Therefore, the matter is adjourned without any date.

Sd/-
Member

Sd/-
Chairman

O. P. No. 2 of 2017
&
I. A. No. 27 of 2017 & 28 of 2017

M/s. NSL Krishnaveni Sugars Ltd. Vs. TSDISCOMs

Petition filed seeking for determination of tariff for 28.2 MW bagasse based cogeneration project consequent to the directions to purchase power under long term PPA

I. A. 27 / 2017 filed seeking to amend the prayer in the original petition.

I. A. 28 / 2017 filed seeking to pass interim tariff of Rs. 4.51 per unit for the surplus power supplied by it.

Sri. Vizhay Babu, Advocate representing Sri. Challa Gunaranjan, counsel for the petitioner and Ms. Pravalika, Advocate representing Sri. Y. Rama Rao, Standing Counsel for the respondent are present. The advocate representing the counsel for the petitioner stated that the interlocutory applications have been filed and notice has been issued to the licensee. The advocate representing the standing counsel for the respondent stated that notice has been received by the DISCOM only on yesterday. They need to file counter affidavit in respective of I. As., accordingly time may be granted for the licensee. Accordingly the matter alongwith interlocutory applications is adjourned without any date.

Sd/-
Member

Sd/-
Chairman

O. P. No. 10 of 2017

M/s. Arhyama Solar Power Pvt. Ltd., Vs. TSSPDCL

Petition filed seeking questioning the action of the respondent in not implementing provisions of regulations / orders issued by the Commission in respect of Balancing and Settlement Code of 2006.

Sri. S. V. Seshadri, O & M of the company of the petitioner and Ms. Pravalika, Advocate representing Sri. Y. Rama Rao, Standing Counsel for the respondent are present. The representative of the petitioner stated that they need time in the matter. The advocate appearing for the respondent has no objection. Accordingly the matter alongwith interlocutory applications is adjourned without any date.

Sd/-
Member

Sd/-
Chairman

I. A. (SR) No. 35 of 2016
in
O. P. No. 32 of 2014

M/s. Ganapati Sugar Industries Ltd. & another Vs. TSDISCOMs

Application filed U/s. 62 & 86 of the Electricity Act, 2003 seeking modification of the order dated 16.05.2014 passed in O. P. No. 32 of 2014 of the combined Commission insofar as variable cost.

Sri. T. Vizhay Babu, Advocate representing Sri. Challa Gunaranjan, Counsel for the petitioner and Ms. Pravalika, Advocate representing Sri. Y. Rama Rao, Standing Counsel for the respondents are present. The Advocate representing the counsel for the petitioner stated that the counter affidavit is yet to be filed as they have sought adjournment earlier also. The advocate representing the counsel for the respondents the licensee needs some more time to argue the matter. Also similar matter filed before the Hon'ble ATE by the petitioner itself is pending consideration. The Commission took the view that the matter cannot be posted and heard in view of the seizure of the issue by the higher forum, hence, it is not willing to proceed in the matter. Accordingly the matter is adjourned without any date.

Sd/-
Member

Sd/-
Chairman

O. P. No. 15 of 2017

M/s. Steel Exchange India Limited Vs. TSDISCOMs

Petition filed U/s. 86 (1) (f) of the Electricity Act, 2003 R/w Conduct of Business Regulation No. 2 of 2015, claiming compensation bills payable by the TSDISCOMs as per power purchase orders.

Sri. T. Vizhay Babu, Advocate representing Sri. Challa Gunaranjan, Counsel for the petitioner and Ms. Pravalika, Advocate representing Sri. Y. Rama Rao, Standing Counsel for the respondent are present. The advocate representing the counsel for

the petitioner that the issue relating to payment of compensation for deviation in supply. According to the advocate, a claim made by the petitioner is Rs. 1.49 crores towards compensation for deviation from the agreement by the DISCOM. The advocate representing the standing counsel for the respondents stated that if at all due is found the amount would be Rs. 72 lakhs. According to her, the specific details of supply and stoppage of supply in the particular case are available.

The Commission observed that the present petition ought not to have been initiated at all before this Commission, as these issues can be mutually resolved by looking into the figures. However, both the parties shall look into the complete data available with SLDC and file their specific claims with reference to scheduling and dispatch of energy. Both parties are required to file necessary information after verifying the SLDC data. Till then the matter is adjourned without giving any date.

Sd/-
Member

Sd/-
Chairman

O. P. No. 18 of 2017

M/s. Madhucon Sugar & Power Industries Ltd., Vs. TSPCC & TSDISCOMs

Petition filed U/s. 86 (1) (f) of the Electricity Act, 2003 seeking to recover short fall amounts from the licensee for the energy supplied in October & November, 2010.

Sri. T. Vizhay Babu, Advocate representing Sri. Challa Gunaranjan, Counsel for the petitioner and Ms. Pravalika, Advocate representing Sri. Y. Rama Rao, Standing Counsel for the respondents are present. The advocate representing the counsel for the respondents stated that the counter affidavit has been filed, however, the advocate representing the counsel for the petitioner stated that the counter affidavit has not been received so far. The advocate representing the standing counsel for the respondents has been directed to furnish another copy to the petitioner, though, it is stated that a copy of it had been sent by post. Accordingly, the matter is adjourned without giving any date.

Sd/-
Member

Sd/-
Chairman

O. P. (SR) No. 20 of 2017

Smt. Lavanya Yeju Vs. GoTS & TSTRANSCO

Petition filed U/s. 67 (4) & (50 of the Electricity Act, 2003 seeking compensation for acquisition of properties without paying compensation.

Ms. Jyothisri Vankina, Advocate for the petitioner and Ms. Pravalika, Advocate representing Sri. Y. Rama Rao, Standing Counsel for the respondents are present. The counsel for the petitioner has stated that the petition is filed for compensation towards land acquired for laying lines. She stated that as directed by the Commission, a representation has been made to the District Collector & Magistrate, R. R. District to furnish the required information as to whether any compensation had been paid and if so, to whom the same had been paid and for what amount. She stated that no response has been received from the District Collector. She stated that the present petition is for determination of compensation and direction for payment of the same. It is her case that without paying the compensation, action has been taken to install the lines and towers in the land.

The Commission sought to know from the respondents, whose representative was present at the time of hearing as to whether the District Collector had passed orders permitting the respondents to lay the lines and they have done so. The representative confirmed that without any order for possession and compensation, they have laid the lines. On detailed questioning, a general order has been passed by the Collector is the statement of the representative. On further questioning he also stated that no compensation had been paid to the land oustees. However, upon specific order, they are willing to pay the determined compensation to the owners of the land.

The Commission also observed that in the absence of an order passed by the District Collector invoking Land Acquisition Act and following the procedure set out therein for determining the compensation, the Commission cannot entertain the petition, as it is required to adjudicate the difference or dispute in respect of the compensation so determined. The present petition appears to be premature as according to the parties, there is no order from the District Collector & Magistrate concerned. While it is not correct on the part of the DISCOM to lay lines and towers without obtaining necessary orders from the competent authority for land acquisition,

it is also equally not correct that the Commission can prima facie decide compensation itself. Therefore, the present petition needs to be rejected.

At this stage, the counsel for the petitioner sought time and also stated that the respondents should file their counter affidavit and state whether they are willing to pay compensation at all, as there is an oral concession before the Commission as to payment thereof upon proper order. In these circumstances, the parties have sought adjournment of the case.

It has also been contended on behalf of the respondents that the petitioner before the Commission has already invoked the jurisdiction of the Hon'ble High Court. The reply from the counsel for the petitioner is that the said petition is with reference to violation of fundamental rights and legal rights and the same does not amount to plurality of remedies. She also read out a reply given to the office of the Commission when it raised objection after filing of the petition, explaining the position in respect of litigation before the Hon'ble High Court and the Commission. The Commission made it clear that it has no authority with regard to violation of fundamental rights or any other remedy except that one which is provided under the Act, 2003.

Keeping in view the detailed arguments made on behalf of the parties, while the parties are required to take necessary steps of obtaining the orders of the Collector as well as filing of the counter affidavit etc., the matter is adjourned but without any date.

Sd/-
Member

Sd/-
Chairman