

**Record of Proceedings dated 09.11.2018**

O. P. No. 27 of 2018

&

I. A. No. 30 of 2018

M/s. Mytrah Aakash Power Private Ltd. Vs. TSDISCOMs & Spl. Chief Secretary  
to Energy Department

Petition filed seeking orders for granting extension of time for SCOD for (426) days

I. A. filed seeking amendment in the prayer at paragraph 20 of the original petition.

Ms. Mazag Andrabi, Advocate along with Sri. Varun Kapur, 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 respondents stated that they are yet to take a decision on implementing the orders of the Commission with regard to the synchronization to the grid. The matter is under process and senior management of the respondents is struck with the important technical matters. Therefore, the matter may be adjourned up to 17.11.2018, by that date the respondents will report about the compliance of the order of the Commission. The advocate representing the counsel for the petitioner has no objection, but insisted for the compliance should be completed and it should be reported to the Commission by the respondents on the said date itself.

Having regard to the request of the counsel for the respondents as also the concession made by the petitioner, the matter is adjourned. It is made clear that there will be no further adjournment in the matter. The respondents shall synchronize the project and report the same to the Commission. The parties shall make final submissions in the matter.

Call on 17.11.2018 at 11.00 A.M.

Sd/-  
Chairman

O. P. No. 37 of 2018

&

I. A. No. 31 of 2018

M/s. Mytrah Agriya Power Pvt. Ltd. Vs. TSDISCOMs & Spl. Chief Secretary

Petition filed seeking orders for granting extension of time for SCOD for (420) days

I. A. filed seeking amendment in the prayer at paragraph 20 of the original petition.

Ms. Mazag Andrabi, Advocate along with Sri. Varun Kapur, 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 respondents stated that they are yet to take a decision on implementing the orders of the Commission with regard to the synchronization to the grid. The matter is under process and senior management of the respondents is struck with the important technical matters. Therefore, the matter may be adjourned up to 17.11.2018, by that date the respondents will report about the compliance of the order of the Commission. The advocate representing the counsel for the petitioner has no objection, but insisted for the compliance should be completed and it should be reported to the Commission by the respondents on the said date itself.

Having regard to the request of the counsel for the respondents as also the concession made by the petitioner, the matter is adjourned. It is made clear that there will be no further adjournment in the matter. The respondents shall synchronize the project and report the same to the Commission. The parties shall make final submissions in the matter.

Call on 17.11.2018 at 11.00 A.M.

Sd/-  
Chairman

O. P. No. 38 of 2018  
&  
I. A. No. 41 of 2018

M/s. Mytrah Agriya Power Pvt. Ltd. Vs. TSDISCOMs & Spl. Chief Secretary

Petition filed seeking orders for granting extension of time for SCOD for (436) days.

I. A. filed seeking directions to the respondent No. 1 not take any coercive action against the applicant / petitioner including but not limited to invocation of B. Gs. and / or termination of the PPA pending disposal of the original petition.

Ms. Mazag Andrabi, Advocate along with Sri. Varun Kapur, 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 respondents stated that they are yet to take a decision on

implementing the orders of the Commission with regard to the synchronization to the grid. The matter is under process and senior management of the respondents is struck with the important technical matters. Therefore, the matter may be adjourned up to 17.11.2018, by that date the respondents will report about the compliance of the order of the Commission. The advocate representing the counsel for the petitioner has no objection, but insisted for the compliance should be completed and it should be reported to the Commission by the respondents on the said date itself.

The counsel for the respondents also pointed out that the petitioner has not furnished the CEIG report for taking further action in the matter so far. The advocate representing the counsel for the petitioner stated that the CEIG report is specifically marked to the DISCOM also and it was addressed in the month of August, 2018. In this regard the Commission took the view that it is for the petitioner to follow up with the authorities about dispatch and receipt of such reports. The counsel for the respondents stated that based on the above position, the work completion certificate is also delayed. The concerned parties are expected to comply with the formalities expeditiously and report the status before the next date of hearing.

Having regard to the request of the counsel for the respondents as also the concession made by the petitioner, the matter is adjourned. It is made clear that there will be no further adjournment in the matter. The respondents shall synchronize the project and report the same to the Commission. The parties shall make final submissions in the matter.

Call on 17.11.2018 at 11.00 A.M.

Sd/-  
Chairman

O. P. No. 46 of 2018

M/s Medak Solar Projectsm Private Limited vs TSTRANSCO & TSSPDCL

Petition filed claiming the units fed into grid by the petitioner's 8.24 MW solar plant from the date of synchronization to the date of LTOA agreement as deemed to have been banked or in alternative to pay at Rs. 6.78 / unit.

Sri. Challa Gunaranjan counsel for the petitioner and Sri. Y. Rama Rao counsel for the respondents along with Ms. M. Pravalika, Advocate are present. The counsel for the petitioner stated that the project is established based on the policy issued by the government in the year 2015. Under the policy banking is allowed for solar energy. The plant was established and synchronized with the grid in October, 2016. Thereafter, it sought permission for long term open access, which was allowed after lapse of three months contrary to the regulation of the Commission providing for giving approval within one month.

The counsel for the petitioner stated that from the date of synchronization till the date of giving LTOA energy was generated and pumped into the grid, which has to be treated as banked energy as per the solar policy of the government. The present petition is filed for treating such energy as banked energy and allow the generator to use it for either captive or third party sale as the case may be. The counsel for the petitioner stated that in the alternative of not allowing banking, the petitioner should be paid for the energy generated and supplied at Rs.6.78 per unit, which was the rate discovered by the DISCOMs in the bidding.

The counsel for the respondents stated that the petitioner is not entitled to the relief as the regulation being relied upon by the petitioner is prospective in its application as the case is relating to the period prior to the regulation. He needs further time to make submissions in the matter.

The counsel for the petitioner relied on the provisions of original regulation on banking issued in the year 2006, which provided for removal of difficulties if any in giving effect to the provisions of the regulation. He stated that the project has been established based on the policy of the government and the incentives allowed therein should be extended to the petitioner. Banking of energy or payment for the energy supplied is required to be considered and allowed. He sought to rely on Section 70 of the Contract Act, which requires treatment of goods kept in once possession and utilized has to be paid for by the person utilizing the same.

At the request of the counsel for the respondents, the matter is adjourned, however, it is made clear that no further adjournment will be given in the matter. The matter is adjourned.

Call on 24.11.2018 at 11.00 A.M.

Sd/-  
Chairman

O. P. No. 47 of 2018

M/s Dubbak Solar Projects Private Limited Vs. TSTRANSCO & TSSPDCL

Petition filed claiming the units fed into grid by the petitioner's 8 MW solar plant from the date of synchronization to the date of LTOA agreement as deemed to have been banked or in alternative to pay at Rs. 6.78 / unit.

Sri. Challa Gunaranjan counsel for the petitioner and Sri. Y. Rama Rao counsel for the respondents along with Ms. M. Pravalika, Advocate are present. The counsel for the petitioner stated that the project is established based on the policy issued by the government in the year 2015. Under the policy banking is allowed for solar energy. The plant was established and synchronized with the grid in October, 2016. Thereafter, it sought permission for long term open access, which was allowed after lapse of three months contrary to the regulation of the Commission providing for giving approval within one month.

The counsel for the petitioner stated that from the date of synchronization till the date of giving LTOA energy was generated and pumped into the grid, which has to be treated as banked energy as per the solar policy of the government. The present petition is filed for treating such energy as banked energy and allow the generator to use it for either captive or third party sale as the case may be. The counsel for the petitioner stated that in the alternative of not allowing banking, the petitioner should be paid for the energy generated and supplied at Rs.6.78 per unit, which was the rate discovered by the DISCOMs in the bidding.

The counsel for the respondents stated that the petitioner is not entitled to the relief as the regulation being relied upon by the petitioner is prospective in its application as the case is relating to the period prior to the regulation. He needs further time to make submissions in the matter.

The counsel for the petitioner relied on the provisions of original regulation on banking issued in the year 2006, which provided for removal of difficulties if any in giving effect to the provisions of the regulation. He stated that the project has been

established based on the policy of the government and the incentives allowed therein should be extended to the petitioner. Banking of energy or payment for the energy supplied is required to be considered and allowed. He sought to rely on Section 70 of the Contract Act, which requires treatment of goods kept in once possession and utilized has to be paid for by the person utilizing the same.

At the request of the counsel for the respondents, the matter is adjourned, however, it is made clear that no further adjournment will be given in the matter. The matter is adjourned.

Call on 24.11.2018 at 11.00 A.M.

Sd/-  
Chairman

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. Challa Gunaranjan counsel for the petitioner and Sri. Y. Rama Rao counsel for the respondents along with Ms. M. Pravalika, Advocate are present. The counsel for the petitioner stated that the project is established based on the policy issued by the government in the year 2015. Under the policy banking is allowed for solar energy. The plant was established and synchronized with the grid in October, 2016. Thereafter, it sought permission for long term open access, which was allowed after lapse of three months contrary to the regulation of the Commission providing for giving approval within one month.

The counsel for the petitioner stated that from the date of synchronization till the date of giving LTOA energy was generated and pumped into the grid, which has to be treated as banked energy as per the solar policy of the government. The present petition is filed for treating such energy as banked energy and allow the generator to use it for either captive or third party sale as the case may be. The counsel for the petitioner stated that in the alternative of not allowing banking, the petitioner should be paid for the energy generated and supplied at Rs.6.78 per unit, which was the rate discovered by the DISCOMs in the bidding.

The counsel for the respondents stated that the petitioner is not entitled to the relief as the regulation being relied upon by the petitioner is prospective in its application as the case is relating to the period prior to the regulation. He needs further time to make submissions in the matter.

The counsel for the petitioner relied on the provisions of original regulation on banking issued in the year 2006, which provided for removal of difficulties if any in giving effect to the provisions of the regulation. He stated that the project has been established based on the policy of the government and the incentives allowed therein should be extended to the petitioner. Banking of energy or payment for the energy supplied is required to be considered and allowed. He sought to rely on Section 70 of the Contract Act, which requires treatment of goods kept in once possession and utilized has to be paid for by the person utilizing the same.

At the request of the counsel for the respondents, the matter is adjourned, however, it is made clear that no further adjournment will be given in the matter. The matter is adjourned.

Call on 24.11.2018 at 11.00 A.M.

Sd-  
Chairman

R. P. (SR) No. 126 of 2018  
in  
O. P. No. 40 of 2018

TSNPDCL Vs.M/s. Jilesh Power Pvt. Ltd.

Petition filed seeking review of the date of SCOD as 31.10.2017 as per SCOD extension order given by the Government and order to pay penalty up to 2304.12018 for the balance of 22 MW of the project.

Sri. Y. Rama Rao, Standing Counsel for the review petitioner / respondent along with Ms. M. Pravalika, Advocate and Sri. Challa Gunaranjan, Advocate for the respondent / petitioner are present. The counsel for the review petitioner stated that the petition is filed for reviewing the order in view of the error apparent on the face of the record that is the recording of date of synchronization as 23.04.2018 instead of 01.12.2017.

The counsel for the review petitioner stated that the petitioner did not synchronize the entire capacity of 45 MW at one instance and did the same in piece

meal basis. The officer present during the hearing stated that the petitioner synchronized the plant for 23 MW by 01.12.2017. Even though, the committee on synchronization visited the petitioner's project several times, yet the respondent / petitioner did not undertake any action for synchronizing the entire capacity in one attempt. Though it was not recorded the reason offered for being unprepared is non-functioning inverters. The Commission pointed out nowhere on the record this fact has been brought out by the review petitioner earlier.

The counsel for the respondent / petitioner stated that it requested for synchronization and subsequently gave a letter also on 21.01.2018 about the readiness of the project for synchronization, but the officers were not ready to witness the same. The counsel for the review petitioner sought to state that the respondent / petitioner was not forthcoming despite the presence of the concerned officers on several occasions for witnessing the synchronization of the project. Therefore, the respondent / petitioner may not be given the benefit of extended SCOD, thereby denying the review petitioner, the benefit of penalties to be collected from the respondent / petitioner. The Commission pointed that the delays on the part of the DISCOM and administrative delays with the Commission cannot be attributed to the respondent / petitioner.

The review petitioner and the respondent / petitioner shall confirm the acceptability of the date mentioned by the respondent / petitioner for treating the project as synchronization by the next date of hearing. Accordingly, the matter is adjourned.

Call on 17.11.2018 at 11.00 A.M.

Sd-  
Chairman