

**Record of Proceedings dated 12.06.2017**

O. P. No. 84 of 2015

M/s. Hemasri Power Project Lited Vs. –Nil-

Petition filed seeking for determination of tariff for generation of power by it.

Sri. T. Vizhay Babu, Advocate representing Sri. Challa Gunaranjan, Counsel for the petitioner is present. The counsel for the petitioner stated that the petitioner wishes to withdraw this petition, as the Commission had determined the tariff for MSW projects by order dated 13.06.2016 in O. P. No. 18 of 2016. Accordingly, this petition is dismissed as withdrawn.

Sd/-  
Member

Sd/-  
Chairman

O. P. No. 85 of 2015

M/s. RDF Power Projects Limited Vs. –Nil-

Petition filed seeking for determination of tariff for generation of power by it.

Sri. T. Vizhay Babu, Advocate representing Sri. Challa Gunaranjan, Counsel for the petitioner and Sri. K. Appi Reddy, Asst. Vice President of the petitioner company are present. The counsel for the petitioner stated that the petitioner wishes to withdraw this petition, as the Commission had determined the tariff for MSW projects by order dated 13.06.2016 in O. P. No. 18 of 2016. Accordingly, this petition is dismissed as withdrawn.

Sd/-  
Member

Sd/-  
Chairman

O. P. No. 86 of 2015

Indian Wind Power Association Vs. TSTRANSCO, TSDISCOMS & TGNREDCL

Petition filed for re-fixation of several factors that form part of the tariff

Sri. S. V. S. Chowdary, Counsel for the petitioner and Sri. B. Vijaya Bhaskar, Advocate representing Sri. Y. Rama Rao, Standing Counsel for the respondents are present. The counsel for the petitioner stated that the petition is filed for determination of tariff for wind projects in the State of Telangana and also the other parameters required for

such determination. However, earlier the Commission adjourned the matter stating that it is awaiting wind policy to be notified by the government. He also stated that the petitioner has filed all the information required for determination of tariff and other parameters. In reply to the query of the Commission about the maintainability of the petition, he stated that he would place the relevant judgments as also the additional information required by the Commission for undertaking such exercise. The advocate representing the respondents sought adjournment on behalf of the standing counsel.

The Commission, in the light of the submissions, adjourned the hearing without giving any date, but also required the counsel for the parties to be ready with the argument on the next date of hearing.

Sd/-  
Member

Sd/-  
Chairman

O. P. No 87 of 2015  
&  
I. A. No. 30 of 2015

Wind independent Power Producers Association & another Vs TSDISCOMS

Petition filed seeking determination of tariff for wind energy projects beyond 31.03.2015.

Application filed for amendment of the title of the original petition.

Sri. P. Vikram, Advocate for the petitioners alongwith Sri. Kunal Kaistha, Chief Manager of the 2<sup>nd</sup> petitioner's company and Sri. B. Vijaya Bhaskar, Advocate representing Sri. Y. Rama Rao, Counsel for the respondents are present. The counsel for the petitioner stated that though association filed the petition for determination of tariff of wind projects beyond 31.03.2015, the present case is being pursued by the 2<sup>nd</sup> petitioner, who has filed all the relevant information for determination of tariff and the respondents also filed specific tariff details on their behalf. He also stated that the project is envisaged for establishing a 100 MW capacity generation, however, at present 27 MW of the same is ready for synchronization and another 15 MW is at an advanced stage. The TNREDCL had accorded permission to the project.

On being asked by the Commission as to why the determination for tariff is required in the light of falling bidding prices in respect of wind projects, the counsel for the petitioner stated that there should be some determination of tariff for enabling the

project to enter into agreement(s). The advocate for the respondent while stating that they had already requested the Commission in the counter-affidavit for a tariff of Rs. 4.47 ps, however, in the absence of standing counsel for the respondent, he requested for adjournment.

The Commission, in the light of the submissions, adjourned the hearing without giving any date, but also required the counsel for the parties to be ready with the argument on the next date of hearing.

Sd/-  
Member

Sd/-  
Chairman

I. A. No. 1 of 2016  
in  
O. P. No. 88 of 2015

M/s. Exhibition Society Vs Nil

Application filed u/s 94 (1) (f) of the Electricity Act, 2003 seeking restoration of the original petition for exemption from license under Section 13 of Electricity Act, 2003

Sri. O. Manohar Reddy, Counsel for the petitioner is present. Sri. B. Vijaya Bhaskar, Advocate representing Sri. Y. Rama Rao, Advocate and standing counsel for TSSPDCL is present to assist the Commission. The counsel for the petitioner has sought restoration of the original petition to the file. Having considered the reasons set out in the restoration petition, the Commission allowed the same.

The counsel for the petitioner made detailed submissions in the matter with regard to grant of exemption to the petitioner. He has pointed out that section 16 of the APER Act, 1998 is still applicable to the petitioner, it being not inconsistent with the provisions of Act, 2003 in stating so he relied on the General Clauses Act, 1897.

To a particular question as to whether inconsistency applies on matching of words or broadly on the principle of collision, he emphasized that there are reported judgments on the topic and would place the same by the next date of hearing. On the other hand, he sought to rely on the mechanism provided in respect of special economic zones under the SEZ Act, 2005. The Commission, at this stage, observed that there is subtle distinction between the present case and the case under SEZ Act, 2005.

While agreeing with the contentions of the counsel for the petitioner in O. P. No. 14 of 2016 that the Commission is required to formulate a policy and thereafter a regulation insofar as supply to consumers procuring power on the bulk basis and supply within a premises, yet he stated that the case of the petitioner is different from such situations.

The Commission considering the submissions about the need for framing a policy and regulation insofar as bulk procurement and supply in a dedicated area, pointed out that under the present dispensation the petitioner is not entitled to any relief. However, in order to take a view on the submissions in this case alongwith submissions in O. P. No. 14 of 2016, the same is adjourned without any date.

Sd/-  
Member

Sd/-  
Chairman

O. P. No. 89 of 2015

M/s Bhagyanagar India Limited vs Govt. of Telangana, TSSPDCL, TSTRANSCO  
and Officers

Petition filed questioning the action of the licensees in demanding payment of wheeling charges contrary to the tariff order dated 09.05.2014 of erstwhile APERC.

Sri. T. Vizhay Babu, Advocate representing Sri. Challa Gunaranjan, Counsel for the petitioner and Sri. B. Vijaya Bhaskar, Advocate representing Sri. Y. Rama Rao, Counsel for the respondents are present. The advocate appearing on behalf of the counsel for the petitioner sought adjournment so as to confirm whether the refund has been completed. The advocate appearing on behalf of the standing counsel for the respondents sought adjournment of the case as the standing counsel is unable to attend the hearing today. The Commission observed that it had already passed necessary orders insofar as wheeling charges and cross subsidy surcharge exemptions and therefore, this petition does not survive and may be withdrawn, if necessary file a fresh petition, if any amounts are due from the DISCOM.

However, in view of the request made by counsels for the parties, the same is adjourned without any date.

Sd/-  
Member

Sd/-  
Chairman

O. P. No. 2 of 2016

M/s. Ultra Tech Cement Limited vs TSSPDCL, SE (O), RR South, SAO (o), RR South & DE (O), TSSPDCL

Petition filed questioning of the action of DISCOM in not implementing the order of CGRF as confirmed by Hon'ble High Court.

Sri. T. Vizhay Babu, Advocate representing Sri. Challa Gunaranjanm counsel for the petitioner and Sri B. Vijaya Bhaskar, Advocate representing Sri. Y. Rama Rao, Counsel for the respondents are present. The advocate for the counsel for the petitioner stated that the appeal filed by the respondents is pending consideration before the Hon'ble High Court and therefore, the same may adjourned. The advocate appearing for standing counsel of the respondents while confirming the same, also stated that the same is likely to be heard shortly.

The Commission by taking into consideration of the submissions of the counsel for the parties adjourned the matter indefinitely.

Sd/-  
Member

Sd/-  
Chairman

O. P. No. 14 of 2016

M/s. Ushakiron Movies Vs. TSSPDCL

Filed an application seeking extension of the renewal of the exemption from having distribution license as granted in by Order dated 18.05.2012 by erstwhile APERC.

Sri. K. Gopal Chowdary, Advocate for the petitioner and Sri. B. Vijaya Bhaskar, Advocate representing Sri. Y. Rama Rao, Counsel for the respondent are present. The counsel for the petitioner made detailed submissions in the matter in the light of the proposals made by the existing licensee seeking guidance of the Commission.

He emphasized the need for proper proposals to be made to the Commission in respect of points mentioned in the memo filed by the licensee.

- A. Group of consumers within a building / complex who request for single point connection where there is space constraints to set up infrastructure.
- B. Group of consumers who request for single point connection covering large area virtually having no space limitations viz. M/s. Usha Kiron Movies, other IT park developers.

The proposals should come from the licensee and the Commission should undertake the detailed examination of the same thoroughly putting in place the necessary administrative machinery in exercise. The net result of such exercise should be framing of regulation to cater to the situations that have been brought before the Commission like the petitioner, exhibition society, group housing, gated communities and apartments. While pointing out the above type consumers, he also stated that these are generally understood situations, but there may exist further different type of consumers, who are not noticed by the Commission or the licensee and who have to be brought into the fold of levying and billing proper charges. He has drawn parallel to bus stations, railway stations, shopping malls, multiplexes and colonies.

The counsel for the petitioner stated that all these type of consumers draw single point of supply and distribute the power amongst various consumers. The above mentioned type of consumers may be catering to different classes of consumers, namely, domestic, commercial, industrial or charitable as may be appropriately located within such precincts. The difficulty with the consumers is that the single point supply is taken in high tension and supply in majority cases is done in low tension. Contra, individual connections if availed by the respective consumers within such premises would have attracted different tariffs according to the classification and mode of application.

The counsel stated that the provisions of the Act, 2003 do not envisage a situation as stated above. Further, proviso (vii) occurring in section 14 of the Act, 2003 gives liberty for allowing the licensee to entrust its activity to any other person, who is not required to obtain a separate license, however, the definition provided in the Act, 2003 at clause 2 (27) authorization by the distribution licensee in a particular area is termed as franchisee. Such franchisee may be of different kinds depending on the need and requirement. The present provisions stated above do not specifically give a structure or not even refer to the word franchisee in any of the substantive provisions made thereof. Thus, the Commission is required to put in place a comprehensive and exhaustive regulation which may be to a large extent captures the differences and variations in the type of consumers and their classification and such regulation should be part of the supply code itself. The classifications or types of consumers set out as stated earlier should be able to fit into the definition of franchisee if not perfectly stated in the Act, 2003. His submission would be to gather pace in making the regulation so

that this issue and the applications pending before the Commission may not get struck without disposal.

The advocate appearing on behalf of the counsel for the respondent was at pains to explain the proposals made in the memo and therefore, sought adjournment, as the standing counsel is unable to attend the hearing today.

The Commission took note of the details arguments made by the counsel for the petitioner and required the licensee to make concrete proposals in furtherance of the points mentioned in the memo as discussed by the counsel for the petitioner. The matter is adjourned without giving any date.

Sd/-  
Member

Sd/-  
Chairman

O. P. No. 15 of 2016

Garrison Engineer (AF) Vs. TSSPDCL

Petition filed seeking for determination of tariff for the power produced by it as deemed licensee.

Lt. Colonel Sourabh Dutt for the petitioner and Sri. B. Vijaya Bhaskar, Advocate representing Sri. Y. Rama Rao, Standing Counsel for the respondent are present. The representative of the petitioner stated that the petition is filed for determination of tariff (purchase price), it being deemed licensee. The Commission ascertained from the representative as to the source of power procurement for undertaking supply in its area. The representative stated that they would procure power from the TSSPDCL only and no other source of power supply. He stated that the unit is being mulcted with penal charges for exceeding the demand. They will be drawing additional power only during the training seasons, which are scheduled in a particular months of a year. They seek to avoid this situation. Another contention raised by the representative is that it should be treated as seasonal consumption for the training period.

It was observed by the Commission that the petitioner could enhance the demand and consume energy within the demand, for which it has to assess what is the maximum demand required by it and in what period. The billing would be 80% of the demand and actual energy charges in the two part tariff structure. Even if the petitioner consumes less than 80% of the demand, he is required to pay charges for 80% of the

demand only. In the event of exceeding the demand more than 100% then only penalty will be levied. The petitioner has to check and submit such information to the Commission. It is also observed that seasonal billing is in respect of fruits and vegetables or such seasonal industries and not to for training programs.

Accordingly, the matter is adjourned without giving any date, as the counsel for the respondent is not present.

Sd/-  
Member

Sd/-  
Chairman

O. P. No. 16 of 2016

Garrison Engineer (AFA) Vs. TSSPDCL

Petition filed seeking for determination of tariff for the power produced by it as deemed licensee

Lt. Colonel Sourabh Dutt for the petitioner and Sri. B. Vijaya Bhaskar, Advocate representing Sri. Y. Rama Rao, standing counsel for the respondent are present. The representative stated that the Commission had earlier directed paper publication of the application, but it was not done in the last year and the same is being carried out now.

The Commission observed that in the matter of determination of tariff time period is specified in the Act, 2003 and accordingly, the earlier petition cannot be proceeded with. However, the Commission directed the office to assist the petitioner in proceeding further in the matter and take the steps that are required to be taken to bring the petition in line with the Act, 2003. The matter is adjourned without giving any date.

Sd/-  
Member

Sd/-  
Chairman