

## **Record of Proceedings dated 17.05.2018**

O. P. No. 4 of 2018

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I. A. No. 1 of 2018

M/s. Clean Wind Power (Ananthpur) Private Ltd. Vs. TSDISCOMs

Petition filed seeking determination of the tariff for the wind power project of capacity of 31.5 MW.

I.A. filed for urgent hearing of the original petition.

Sri. Sakya S. Chadhuri, Advocate and Ms. Shreya Mukerjee, Advocate along with Sri. P. Soma Sekhar Naidu, counsel for the petitioner and Sri. Y. Rama Rao, Standing Counsel for the Respondents along with Ms. Pravalika, Advocate are present. The counsel for the petitioner stated about the Section 62 of the Act, 2003 and also its interpretation. He also explained the functions of the Commission with reference to renewable sources as well as determination of tariff along with regulation of PPA, as mandated in Section 86 (1) of the Act, 2003. He stated that the funding is done by SREI and the zero date for the project is 17.01.2014. He sought to highlight several documents placed on record. In respect of the financial position and detailed spending pattern for the project including infusion of equity as sought by the Commission, he stated that though some of the documents explained the same, the petitioner would file the balance sheets and bank statements as well as loan disbursement orders issued by the financier. The counsel for the respondents endeavored to take support from the counter affidavit reiterating that the petitioner can approach the DISCOM as and when competitive bidding is initiated and that the DISCOMs are complying with the required percentage of renewable energy. For this financial year they are exceeding the requirement of power beyond the mandated percentage of renewables.

Considering that the petitioner is insisting for determination of tariff and that it would make efforts to sign a PPA with DISCOM, the petitioner is directed to file the necessary information relating to balance sheets, bank statements and the letters of the financial institutions releasing the loans to the project including disbursement letters from time to time. The information shall be filed by 08.06.2018 and the DISCOM

upon receipt of information from the petitioner may submit its point of view, if any, by 14.06.2018.

Adjourned to 18.06.2018 at 11.00 A.M.

Sd/-  
Chairman.

O. P. No. 2 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

Sri. K. Gopal Chowdary, Advocate along with Sri. M. Sridhar, Advocate representing Sri. Challa Gunaranjan, counsel for the petitioner and Sri. Y. Rama Rao, Standing Counsel for the respondent along with Ms. Pravalika, Advocate are present. The counsel for the petitioner stated and highlighted the fact that the tariff for the project has to be determined by the Commission as no tariff both fixed and variable has been determined for the projects which have been established after 2009.

He stated that the tariff determination of renewable sources, more particularly bagasse has been done by the CERC and the earlier APERC in different modes. While the CERC adopted the method of determining the levelized tariff for the entire plant life, on the other hand, the then APERC determined the tariff based on repayment of loans over a period of 10 years by factoring in depreciation. In either modes, the tariff will be applicable when it is sought for project specific determination, the year in which it is sought. Thus, in the present petition, if generic tariff were to be determined from the year 2009 onwards or the year 2011 when this project came into existence, the relevant year of operation will be applicable.

The counsel for the petitioner sought to point out that Section 62 read with Section 86 (1) (a) and (b) of the Act, 2003 has mandated different powers and functions to be discharged by the Commission. The Commission is required to determine the tariff for the project specific and intended for sale to the licensee. Such determination is also seen in the functions in Section 86, but it does not restrict determination of tariff for sale to the licensee alone. However, a separate provision is made in the functions regarding power purchase agreement where the price is also

looked into. Therefore, the Commission cannot itself put fetters on its functions by insisting that in the absence of the agreement, tariff cannot be determined. In fact, the Hon'ble Supreme Court had recently opined that notification issued under section 3 of the Act, 2003 is a law and has binding force. Therefore, the Commission is bound to give effect to such law and for that purpose under the act itself, it has been mandated to promote renewable energy under section 86 (1) (e) of the Act, 2003. The petitioner has filed certain information as directed by the Commission and as such he seeks time to make submissions in detail on all the above aspects at a later date. The counsel for the respondent stated that since additional information has been filed, the respondent would like to look into the same and make submissions on the next date of hearing on the basis of the points formulated by the counsel for the petitioner.

Adjourned to 08.06.2018 at 11.00 A.M.

Sd/-  
Chairman

O. P. No. 10 of 2018

M/s. ACME Solar Power Technology Private Ltd. Vs. TSSPDCL

Petition filed seeking orders for granting extension of time for SCOD of (7) months

Ms. Puja Priyadarshini, Advocate along with Sri. Mast Ram Deswal, Asst General Manager of the firm representing Sri. Hemant Sahai, Senior Counsel for the petitioner and Sri. Y. Rama Rao, Standing Counsel for the respondents along with Ms. Pravalika, Advocate are present. The counsel for the petitioner stated that due to several reasons, the power plant could not be synchronized within the time stipulated in the PPA. Initially, there was a problem of location of the transmission line, as the transmission line had to be shifted due to establishment and restoration of old reservoir. Subsequently, there was right of way issue as TSTRANSCO had itself addressed a letter to the District Collector and Magistrate to enable the developer in erecting the transmission line. She was at pains to explain the dates on which the particular events have taken place with regard to completion of the project and synchronization to the grid.

It is the case of the petitioner that there were certain force majeure conditions like district reorganization, change of transmission line, location, right of way issues and demonetization including the delay in according approval by the licensee.

The counsel for the respondent stated that the Commission had extended the SCOD up to 30.06.2017 in terms of the government orders and subsequently, the government had extended up to 31.10.2017, which was not accepted by the Commission. The Commission directed that individual projects to file a petition for extension of SCOD, which will be examined separately on case to case basis and also the tariff to be determined on filing a petition separately. He also requested time for filing counter affidavit explaining their position in this case.

The Commission required detailed chronology of events specifying at what stage the project was delayed and ultimately when it was synchronized. The counter affidavit has to be filed by 08.06.2018 duly making available a copy of the same to the petitioner and the petitioner may file a reply immediately and not later than 15.06.2018.

Adjourned to 20.06.2018 at 11.00 A.M.

Sd/-  
Chairman

O. P. No. 11 of 2018

M/s. M/s. ACME Nizamabad Solar Energy Private Ltd. Vs. TSDISCOMs &  
TSTRANSCO

Petition filed seeking orders for granting extension of time for SCOD of (120) days

Ms. Puja Priyadarshini, Advocate along with Sri. Mast Ram Deswal, Asst General Manager of the firm representing Sri. Hemant Sahai, Senior Counsel for the petitioner and Sri. Y. Rama Rao, Standing Counsel for the respondents along with Ms. Pravalika, Advocate are present. The counsel for the petitioner stated that due to several reasons, the power plant could not be synchronized within the time stipulated in the PPA. She was at pains to explain the dates on which the particular events have taken place with regard to completion of the project and synchronization to the grid.

It is the case of the petitioner that there were certain force majeure conditions like district reorganization, change of transmission line, location, right of way issues and demonetization including the delay in according approval by the licensee.

The counsel for the respondent stated that the Commission had extended the SCOD up to 30.06.2017 in terms of the government orders and subsequently, the government had extended up to 31.10.2017, which was not accepted by the Commission. The Commission directed that individual projects to file a petition for extension of SCOD, which will be examined separately on case to case basis and also the tariff to be determined on filing a petition separately. He also requested time for filing counter affidavit explaining their position in this case.

The Commission required detailed chronology of events specifying at what stage the project was delayed and ultimately when it was synchronized. The counter affidavit has to be filed by 08.06.2018 duly making available a copy of the same to the petitioner and the petitioner may file a reply immediately and not later than 15.06.2018.

Adjourned to 20.06.2018 at 11.00 A.M.

Sd/-  
Chairman

O. P. No. 12 of 2018

M/s. ACME Karimnagar Solar Power Private Ltd. Vs. TSDISCOMs & TSTRANSCO

Petition filed seeking orders for granting extension of time for SCOD of (5) days

Ms. Puja Priyadarshini, Advocate along with Sri. Mast Ram Deswal, Asst General Manager of the firm representing Sri. Hemant Sahai, Senior Counsel for the petitioner and Sri. Y. Rama Rao, Standing Counsel for the respondents along with Ms. Pravalika, Advocate are present. The counsel for the petitioner stated that due to several reasons, the power plant could not be synchronized within the time stipulated in the PPA. She was at pains to explain the dates on which the particular events have taken place with regard to completion of the project and synchronization to the grid.

It is the case of the petitioner that there were certain force majeure conditions like district reorganization, change of transmission line, location, right of way issues and demonetization including the delay in according approval by the licensee.

The counsel for the respondent stated that the Commission had extended the SCOD up to 30.06.2017 in terms of the government orders and subsequently, the government had extended up to 31.10.2017, which was not accepted by the Commission. The Commission directed that individual projects to file a petition for extension of SCOD, which will be examined separately on case to case basis and also the tariff to be determined on filing a petition separately. He also requested time for filing counter affidavit explaining their position in this case.

The Commission required detailed chronology of events specifying at what stage the project was delayed and ultimately when it was synchronized. The counter affidavit has to be filed by 08.06.2018 duly making available a copy of the same to the petitioner and the petitioner may file a reply immediately and not later than 15.06.2018.

Adjourned to 20.06.2018 at 11.00 A.M.

Sd/-  
Chairman

O. P. No. 13 of 2018

M/s. ACME Medak Solar Energy Private Ltd. Vs. TSDISCOMs & TSTRANSCO

Petition filed seeking orders for granting extension of time for SCOD of (166) days

Ms. Puja Priyadarshini, Advocate along with Sri. Mast Ram Deswal, Asst General Manager of the firm representing Sri. Hemant Sahai, Senior Counsel for the petitioner and Sri. Y. Rama Rao, Standing Counsel for the respondents along with Ms. Pravalika, Advocate are present. The counsel for the petitioner stated that due to several reasons, the power plant could not be synchronized within the time stipulated in the PPA. She was at pains to explain the dates on which the particular events have taken place with regard to completion of the project and synchronization to the grid.

It is the case of the petitioner that there were certain force majeure conditions like district reorganization, change of transmission line, location, right of way issues and demonetization including the delay in according approval by the licensee.

The counsel for the respondent stated that the Commission had extended the SCOD up to 30.06.2017 in terms of the government orders and subsequently, the government had extended up to 31.10.2017, which was not accepted by the Commission. The Commission directed that individual projects to file a petition for extension of SCOD, which will be examined separately on case to case basis and also the tariff to be determined on filing a petition separately. He also requested time for filing counter affidavit explaining their position in this case.

The Commission required detailed chronology of events specifying at what stage the project was delayed and ultimately when it was synchronized. The counter affidavit has to be filed by 08.06.2018 duly making available a copy of the same to the petitioner and the petitioner may file a reply immediately and not later than 15.06.2018.

Adjourned to 20.06.2018 at 11.00 A.M.

Sd/-  
Chairman

O. P. No. 14 of 2018

M/s. M/s. Neemuch Solar Power Private Ltd. Vs. TSDISCOMs & TSTRANSCO

Petition filed seeking orders for granting extension of time for SCOD of (28) days

Ms. Puja Priyadarshini, Advocate along with Sri. Mast Ram Deswal, Asst General Manager of the firm representing Sri. Hemant Sahai, Senior Counsel for the petitioner and Sri. Y. Rama Rao, Standing Counsel for the respondents along with Ms. Pravalika, Advocate are present. The counsel for the petitioner stated that due to several reasons, the power plant could not be synchronized within the time stipulated in the PPA. She was at pains to explain the dates on which the particular events have taken place with regard to completion of the project and synchronization to the grid.

It is the case of the petitioner that there were certain force majeure conditions like district reorganization, change of transmission line, location, right of way issues and demonetization including the delay in according approval by the licensee.

The counsel for the respondent stated that the Commission had extended the SCOD up to 30.06.2017 in terms of the government orders and subsequently, the government had extended up to 31.10.2017, which was not accepted by the Commission. The Commission directed that individual projects to file a petition for extension of SCOD, which will be examined separately on case to case basis and also the tariff to be determined on filing a petition separately. He also requested time for filing counter affidavit explaining their position in this case.

The Commission required detailed chronology of events specifying at what stage the project was delayed and ultimately when it was synchronized. The counter affidavit has to be filed by 08.06.2018 duly making available a copy of the same to the petitioner and the petitioner may file a reply immediately and not later than 15.06.2018.

Adjourned to 20.06.2018 at 11.00 A.M.

Sd/-  
Chairman

O. P. No. 15 of 2018

M/s. M/s. ACME Narwan Solar Power Private Ltd. Vs. TSDISCOMs & TSTRANSCO  
Petition filed seeking orders for granting extension of time for SCOD of (166) days

Ms. Puja Priyadarshini, Advocate along with Sri. Mast Ram Deswal, Asst General Manager of the firm representing Sri. Hemant Sahai, Senior Counsel for the petitioner and Sri. Y. Rama Rao, Standing Counsel for the respondents along with Ms. Pravalika, Advocate are present. The counsel for the petitioner stated that due to several reasons, the power plant could not be synchronized within the time stipulated in the PPA. She was at pains to explain the dates on which the particular events have taken place with regard to completion of the project and synchronization to the grid.

It is the case of the petitioner that there were certain force majeure conditions like district reorganization, change of transmission line, location, right of way issues and demonetization including the delay in according approval by the licensee.

The counsel for the respondent stated that the Commission had extended the SCOD up to 30.06.2017 in terms of the government orders and subsequently, the government had extended up to 31.10.2017, which was not accepted by the Commission. The Commission directed that individual projects to file a petition for extension of SCOD, which will be examined separately on case to case basis and also the tariff to be determined on filing a petition separately. He also requested time for filing counter affidavit explaining their position in this case.

The Commission required detailed chronology of events specifying at what stage the project was delayed and ultimately when it was synchronized. The counter affidavit has to be filed by 08.06.2018 duly making available a copy of the same to the petitioner and the petitioner may file a reply immediately and not later than 15.06.2018.

Adjourned to 20.06.2018 at 11.00 A.M.

Sd/-  
Chairman

O. P. No. 16 of 2018

M/s. M/s. Rewanchal Solar Power Private Ltd. Vs. TSDISCOMs & TSTRANSCO

Petition filed seeking orders for granting extension of time for SCOD of (165) days

Ms. Puja Priyadarshini, Advocate along with Sri. Mast Ram Deswal, Asst General Manager of the firm representing Sri. Hemant Sahai, Senior Counsel for the petitioner and Sri. Y. Rama Rao, Standing Counsel for the respondents along with Ms. Pravalika, Advocate are present. The counsel for the petitioner stated that due to several reasons, the power plant could not be synchronized within the time stipulated in the PPA. She was at pains to explain the dates on which the particular events have taken place with regard to completion of the project and synchronization to the grid.

It is the case of the petitioner that there were certain force majeure conditions like district reorganization, change of transmission line, location, right of way issues and demonetization including the delay in according approval by the licensee.

The counsel for the respondent stated that the Commission had extended the SCOD up to 30.06.2017 in terms of the government orders and subsequently, the government had extended up to 31.10.2017, which was not accepted by the Commission. The Commission directed that individual projects to file a petition for extension of SCOD, which will be examined separately on case to case basis and also the tariff to be determined on filing a petition separately. He also requested time for filing counter affidavit explaining their position in this case.

The Commission required detailed chronology of events specifying at what stage the project was delayed and ultimately when it was synchronized. The counter affidavit has to be filed by 08.06.2018 duly making available a copy of the same to the petitioner and the petitioner may file a reply immediately and not later than 15.06.2018.

Adjourned to 20.06.2018 at 11.00 A.M.

Sd/-  
Chairman

O. P. No. 17 of 2018

M/s. M/s. ACME Ranga Reddy Solar Power Private Ltd. Vs. TSDISCOMs &  
TSTRANSCO

Petition filed seeking orders for granting extension of time for SCOD of (42) days

Ms. Puja Priyadarshini, Advocate along with Sri. Mast Ram Deswal, Asst General Manager of the firm representing Sri. Hemant Sahai, Senior Counsel for the petitioner and Sri. Y. Rama Rao, Standing Counsel for the respondents along with Ms. Pravalika, Advocate are present. The counsel for the petitioner stated that due to several reasons, the power plant could not be synchronized within the time stipulated in the PPA. She was at pains to explain the dates on which the particular events have taken place with regard to completion of the project and synchronization to the grid.

It is the case of the petitioner that there were certain force majeure conditions like district reorganization, change of transmission line, location, right of way issues and demonetization including the delay in according approval by the licensee.

The counsel for the respondent stated that the Commission had extended the SCOD up to 30.06.2017 in terms of the government orders and subsequently, the government had extended up to 31.10.2017, which was not accepted by the Commission. The Commission directed that individual projects to file a petition for extension of SCOD, which will be examined separately on case to case basis and also the tariff to be determined on filing a petition separately. He also requested time for filing counter affidavit explaining their position in this case.

The Commission required detailed chronology of events specifying at what stage the project was delayed and ultimately when it was synchronized. The counter affidavit has to be filed by 08.06.2018 duly making available a copy of the same to the petitioner and the petitioner may file a reply immediately and not later than 15.06.2018.

Adjourned to 20.06.2018 at 11.00 A.M.

Sd/-  
Chairman

O. P. No. 18 of 2018

M/s. M/s. ACME Warangal Solar Power Private Ltd. Vs. TSDISCOMs &  
TSTRANSCO

Petition filed seeking orders for granting extension of time for SCOD of (14) days

Ms. Puja Priyadarshini, Advocate along with Sri. Mast Ram Deswal, Asst General Manager of the firm representing Sri. Hemant Sahai, Senior Counsel for the petitioner and Sri. Y. Rama Rao, Standing Counsel for the respondents along with Ms. Pravalika, Advocate are present. The counsel for the petitioner stated that due to several reasons, the power plant could not be synchronized within the time stipulated in the PPA. Initially, there was a problem of location of the transmission line, as the transmission line had to be shifted due to establishment and restoration of old reservoir. Subsequently, there was right of way issue as TSTRANSCO had itself addressed letter to the District Collector and Magistrate to enable the developer in

erecting the transmission line. She was at pain to explain the dates on which events have taken place or ought to have taken place.

It is the case of the petitioner that there were certain force majeure conditions like district reorganization, change transmission line, location, right of way issues and demonetization including the delay in according approval by the licensee.

The counsel for the respondent stated that the Commission had extended the SCOD up to 30.06.2017 in terms of the government orders and subsequently, the government had extended up to 31.10.2017, which was not accepted by the Commission. The Commission directed that individual projects to file a petition for extension of SCOD, which will be examined separately on case to case basis and also the tariff to be determined on filing a petition separately. He also requested time for filing counter affidavit explaining their position in this case.

The Commission required detailed chronology of events specifying at what stage the project was delayed and ultimately when it was synchronized. The counter affidavit has to be filed by 08.06.2018 duly making available a copy of the same to the petitioner and the petitioner may file a reply immediately and not later than 15.06.2018.

Adjourned to 20.06.2018 at 11.00 A.M.

Sd/-  
Chairman

O. P. No. 19 of 2018

M/s. M/s. ACME Fazilka Solar Power Private Ltd. Vs. TSDISCOMs & TSTRANSCO  
Petition filed seeking orders for granting extension of time for SCOD of (28) days

Ms. Puja Priyadarshini, Advocate along with Sri. Mast Ram Deswal, Asst General Manager of the firm representing Sri. Hemant Sahai, Senior Counsel for the petitioner and Sri. Y. Rama Rao, Standing Counsel for the respondents along with Ms. Pravalika, Advocate are present. The counsel for the petitioner stated that due to several reasons, the power plant could not be synchronized within the time stipulated in the PPA. She was at pains to explain the dates on which the particular events

have taken place with regard to completion of the project and synchronization to the grid.

It is the case of the petitioner that there were certain force majeure conditions like district reorganization, change of transmission line, location, right of way issues and demonetization including the delay in according approval by the licensee.

The counsel for the respondent stated that the Commission had extended the SCOD up to 30.06.2017 in terms of the government orders and subsequently, the government had extended up to 31.10.2017, which was not accepted by the Commission. The Commission directed that individual projects to file a petition for extension of SCOD, which will be examined separately on case to case basis and also the tariff to be determined on filing a petition separately. He also requested time for filing counter affidavit explaining their position in this case.

The Commission required detailed chronology of events specifying at what stage the project was delayed and ultimately when it was synchronized. The counter affidavit has to be filed by 08.06.2018 duly making available a copy of the same to the petitioner and the petitioner may file a reply immediately and not later than 15.06.2018.

Adjourned to 20.06.2018 at 11.00 A.M.

Sd/-  
Chairman

O. P. No. 20 of 2018

M/s. M/s. ACME PV Powertech Private Ltd. Vs. TSDISCOMs & TSTRANSCO

Petition filed seeking orders for granting extension of time for SCOD of (88) days

Ms. Puja Priyadarshini, Advocate along with Sri. Mast Ram Deswal, Asst General Manager of the firm representing Sri. Hemant Sahai, Senior Counsel for the petitioner and Sri. Y. Rama Rao, Standing Counsel for the respondents along with Ms. Pravalika, Advocate are present. The counsel for the petitioner stated that due to several reasons, the power plant could not be synchronized within the time stipulated in the PPA. She was at pains to explain the dates on which the particular events

have taken place with regard to completion of the project and synchronization to the grid.

It is the case of the petitioner that there were certain force majeure conditions like district reorganization, change of transmission line, location, right of way issues and demonetization including the delay in according approval by the licensee.

The counsel for the respondent stated that the Commission had extended the SCOD up to 30.06.2017 in terms of the government orders and subsequently, the government had extended up to 31.10.2017, which was not accepted by the Commission. The Commission directed that individual projects to file a petition for extension of SCOD, which will be examined separately on case to case basis and also the tariff to be determined on filing a petition separately. He also requested time for filing counter affidavit explaining their position in this case.

The Commission required detailed chronology of events specifying at what stage the project was delayed and ultimately when it was synchronized. The counter affidavit has to be filed by 08.06.2018 duly making available a copy of the same to the petitioner and the petitioner may file a reply immediately and not later than 15.06.2018.

Adjourned to 20.06.2018 at 11.00 A.M.

Sd/-  
Chairman

O. P. No. 21 of 2018

M/s. M/s. Sun World Solar Power Private Ltd. Vs. TSDISCOMs & TSTRANSCO

Petition filed seeking orders for granting extension of time for SCOD of (175) days

Ms. Puja Priyadarshini, Advocate along with Sri. Mast Ram Deswal, Asst General Manager of the firm representing Sri. Hemant Sahai, Senior Counsel for the petitioner and Sri. Y. Rama Rao, Standing Counsel for the respondents along with Ms. Pravalika, Advocate are present. The counsel for the petitioner stated that due to several reasons, the power plant could not be synchronized within the time stipulated in the PPA. She was at pains to explain the dates on which the particular events

have taken place with regard to completion of the project and synchronization to the grid.

It is the case of the petitioner that there were certain force majeure conditions like district reorganization, change of transmission line, location, right of way issues and demonetization including the delay in according approval by the licensee.

The counsel for the respondent stated that the Commission had extended the SCOD up to 30.06.2017 in terms of the government orders and subsequently, the government had extended up to 31.10.2017, which was not accepted by the Commission. The Commission directed that individual projects to file a petition for extension of SCOD, which will be examined separately on case to case basis and also the tariff to be determined on filing a petition separately. He also requested time for filing counter affidavit explaining their position in this case.

The Commission required detailed chronology of events specifying at what stage the project was delayed and ultimately when it was synchronized. The counter affidavit has to be filed by 08.06.2018 duly making available a copy of the same to the petitioner and the petitioner may file a reply immediately and not later than 15.06.2018.

Adjourned to 20.06.2018 at 11.00 A.M.

Sd/-  
Chairman