

Record of Proceedings dated 21.07.2018

O. P. No. 8 of 2018

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I. A. No. 3 of 2018

M/s. Neo Solren Private Limited Vs TSNPDCL

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

I. A. filed for restraining the respondent from encashing the financial instruments given as security to the respondent in accordance with the terms of PPA dt. 24.02.2016.

Sri. Raghavendar Rao, Advocate and Sri. Ved Bhushan, Advocate representing Sri. D. Madhava Rao, 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 that the project is of 42 MW and a group II project. The PPA was signed on 24.02.2016 and SCOD under PPA should be 24.05.2017. However, the actual synchronization took place on 06.11.2017. There are several issues including the right of way. The counsel for the petitioner stated that the land acquisition was an issue initially, as it was trying to obtain the land near the substation. Later it could succeed in procuring the land at a distance of 5 KMs from the substation.

The counsel for the petitioner stated that the entire land parcel could not be obtained at one attempt. Initially 214 acres of land was obtained and later after verification of the land records another 70 acres of land has been obtained. He stated that to verify the records of land and ownership after ascertaining the records, there was a delay due to initially the issue of mutation in favour of the sada binama and later the reorganization of the districts. After verification of the records, when the work relating to the plant was taken up, right of way issues have cropped up resulting in delay of the project.

The counsel for the petitioner stated that the permission of the TRANSCO for laying line was applied after the work was completed and the permission was accorded in May, 2017, thereafter contractor was approved in June, 2017. This also resulted in delay in execution of the project. The dates and events along with supporting material has been filed along with a memo. The project was synchronized

in stages that is 33 MW on 15.10.2017 and another 5 MW on 26.10.2017. Finally, the balance of 4 MW was synchronized on 06.11.2017. If 31.10.2017 as extended date of SCOD is taken then there is a delay of only 6 days and that too in respect of 4 MW project only.

The counsel for the respondent stated that the right of way and land acquisition were beyond the time schedules mentioned in the PPA. He sought to rely on the provisions of the PPA. There is a delay of four months in execution of the transmission line for which the DISCOM or TRANSCO is not responsible. The PPA stipulates 21 months period, which has expired by the time the project was synchronized. Therefore, the petitioner is not entitled to extension of SCOD. Moreover, the petitioner sought permission for transmission line beyond the PPA period itself. All these matters may be considered while deciding the extension of SCOD.

Having heard the counsels for both sides, the matter is reserved for orders.

Sd/-
Chairman.

O. P. No. 22 of 2018

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

Petition filed seeking orders for granting extension of time for SCOD for (216) days

Sri. Hemanth Sahai, Senior Counsel along with Ms. Mazag Andrabi, Advocate alongwith 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. Pravalika, Advocate are present. The counsel for the petitioner has sought adjournment, stating that the petitioner is required to file rejoinder as also some documents to be relied upon. The counsel for the respondents has no objection for it. Accordingly adjourned.

Call on 03.08.2018 at 11.00 A.M.

Sd/-
Chairman

O. P. No. 23 of 2018

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

Petition filed seeking orders for granting extension of time for SCOD for (148) days

Sri. Hemanth Sahai, Senior Counsel along with 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. Pravalika, Advocate are present. The counsel for the petitioner has sought
adjournment, stating that the petitioner is required to file rejoinder as also some
documents to be relied upon. The counsel for the respondents has no objection for it.
Accordingly adjourned.

Call on 03.08.2018 at 11.00 A.M.

Sd/-
Chairman

O. P. No. 24 of 2018

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

Petition filed seeking orders for granting extension of time for SCOD for (270) days

Sri. Hemanth Sahai, Senior Counsel along with 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. Pravalika, Advocate are present. The counsel for the
petitioner has sought adjournment, stating that the petitioner is required to file
rejoinder as also some documents to be relied upon. The counsel for the
respondents has no objection for it. Accordingly adjourned.

Call on 03.08.2018 at 11.00 A.M.

Sd/-
Chairman

O. P. No. 25 of 2018

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

Petition filed seeking orders for granting extension of time for SCOD for (374) days

Sri. Hemanth Sahai, Senior Counsel along with 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. Pravalika, Advocate are present. The counsel for the petitioner has sought adjournment, stating that the petitioner is required to file rejoinder as also some documents to be relied upon. The counsel for the respondents has no objection for it. Accordingly adjourned.

Call on 03.08.2018 at 11.00 A.M.

Sd/-
Chairman

O. P. No. 26 of 2018

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

Petition filed seeking orders for granting extension of time for SCOD for (371) days

Sri. Hemanth Sahai, Senior Counsel along with 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. Pravalika, Advocate are present. The counsel for the petitioner has sought adjournment, stating that the petitioner is required to file rejoinder as also some documents to be relied upon. The counsel for the respondents has no objection for it. Accordingly adjourned.

Call on 03.08.2018 at 11.00 A.M.

Sd/-
Chairman

O. P. No. 27 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

Sri. Hemanth Sahai, Senior Counsel along with 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. Pravalika, Advocate are present. The counsel for the petitioner stated that the petitioner has established a 50 MW solar power project, 30 MW of the project had already been commissioned and another 20 MW of the project is pending synchronization. Though the petitioner was ready in the month of April, 2018 itself for synchronization of the balance capacity, the DISCOM has not been coming forth to synchronize the project.

The counsel for the petitioner stated that, assuming there is a delay and the total period allowed for execution has also expired, the Commission is empowered to ensure synchronization of the project by treating the project afresh and also determining fresh tariff in view of the agreement getting expired due to lapse of time. In this regard he sought to emphasize the provisions of the Act, 2003 being 86 (1) (b), and 181 of the Act, 2003. Though the petitioner is ready to synchronize the balance capacity, the DISCOM is not allowing the same.

The counsel for the petitioner relied on the judgment of the Hon'ble Supreme Court rendered in M/s. Energy Watchdog Vs. CERC and batch cases, regarding regulatory power. He also relied on M/s. Zenit Mataplast Private Limited Vs. State of Maharashtra and others in respect of granting interim order. He cited the judgment of the Hon'ble Supreme Court rendered in Sri. K. Ramanathan Vs. State of Tamil Nadu and another to elucidate the word regulate. Lastly, he cited the order of the Hon'ble ATE in the matter of M/s. Subhash Infraengineers Private Limited and another Vs. Haryana Electricity Regulatory Commission and another regarding importance of retaining the asset value and if need be necessary directions can be given as an interim measure to put the asset to use and not allowed to deteriorate. This judgment was more particularly in respect of a solar project itself.

The counsel for the petitioner stated that Section 181 of the Act, 2003 has mentioned regulation making power in respect of several provisions, but did not mention section 86 (1) (b) of the Act, 2003, obviously keeping in mind the fact that the word regulate is extensive and has no limited meaning as also cannot be circumscribed by any regulation. Therefore, he sought interim direction to the DISCOM to synchronize the project of balance 20 MW and decide the matter at a

later date. The said order in any case would be subject to the final outcome of the matter of the original proceedings.

The counsel for the respondents sought to distinguish the judgments relied upon by the counsel for the petitioner. The judgments relied upon by the petitioner do not support the claim of the petitioner as in the matter of M/s. Energy Watchdog, the Court was looking at compensatory tariff and has nothing to do with force majeure conditions or synchronization. In the matter of M/s. Zenit Mataplast Private Limited, the issue involved was with regard to allotment of land. In the case of Sri. K. Ramanadhan, the matter arose under Essential Commodities Act, 1955. The order of the Hon'ble ATE was with reference to a project which has been commissioned but synchronization was not taking place, which is not the situation in the petitioner's case. Moreover, in the case of M/s. Zenit Mataplast Private Limited and the order of the Hon'ble ATE, the respective courts themselves have made it clear that the judgment or order are of no precedent value. Thus, the petitioner having waited for so long and as the project has already exhausted the 21 months time allowed for completion cannot seek urgency and necessity of synchronization. The respondents require two more weeks time to file counter affidavit in the fresh interlocutory application filed by the petitioner to amend the prayer as also the present request for synchronization of the project.

The Commission took the view nothing detrimental would happened to the DISCOM even if synchronization takes place. However, the Commission would consider the same separately and take a view on the grant of interim order for the present. Accordingly, the matter is adjourned.

Call on 03.08.2018 at 11.00 A.M.

Sd/-
Chairman

O. P. No. 28 of 2018

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

Petition filed seeking orders for granting extension of time for SCOD for (179) days

Sri. Hemanth Sahai, Senior Counsel along with 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. Pravalika, Advocate are present. The counsel for the petitioner has sought adjournment, stating that the petitioner is required to file rejoinder as also some documents to be relied upon. The counsel for the respondents has no objection for it. Accordingly adjourned.

Call on 03.08.2018 at 11.00 A.M.

Sd/-
Chairman

O. P. No. 29 of 2018

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

Petition filed seeking orders for granting extension of time for SCOD for (181) days

Sri. Hemanth Sahai, Senior Counsel along with 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. Pravalika, Advocate are present. The counsel for the petitioner has sought adjournment, stating that the petitioner is required to file rejoinder as also some documents to be relied upon. The counsel for the respondents has no objection for it. Accordingly adjourned.

Call on 03.08.2018 at 11.00 A.M.

Sd/-
Chairman

O. P. No. 30 of 2018

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

Petition filed seeking orders for granting extension of time for SCOD for (488) days

Sri. Hemanth Sahai, Senior Counsel along with 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. Pravalika, Advocate are present. The counsel for the petitioner has sought

adjournment, stating that the petitioner is required to file rejoinder as also some documents to be relied upon. The counsel for the respondents has no objection for it. Accordingly adjourned.

Call on 03.08.2018 at 11.00 A.M.

Sd/-
Chairman

O. P. No. 31 of 2018

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

Petition filed seeking orders for granting extension of time for SCOD for (274) days

Sri. Hemanth Sahai, Senior Counsel along with 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. Pravalika, Advocate are present. The counsel for the petitioner has sought adjournment, stating that the petitioner is required to file rejoinder as also some documents to be relied upon. The counsel for the respondents has no objection for it. Accordingly adjourned.

Call on 03.08.2018 at 11.00 A.M.

Sd/-
Chairman

O. P. No. 32 of 2018

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

Petition filed seeking orders for granting extension of time for SCOD for (244) days

Sri. Hemanth Sahai, Senior Counsel along with 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. Pravalika, Advocate are present.

The counsel for the petitioner has sought adjournment, stating that the petitioner is required to file rejoinder as also some documents to be relied upon. The counsel for the respondents has no objection for it. Accordingly adjourned.

Call on 03.08.2018 at 11.00 A.M.

Sd/-
Chairman

O. P. No. 33 of 2018

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

Petition filed seeking orders for granting extension of time for SCOD for (274) days

Sri. Hemanth Sahai, Senior Counsel along with 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. Pravalika, Advocate are present. The counsel for the petitioner has sought adjournment, stating that the petitioner is required to file rejoinder as also some documents to be relied upon. The counsel for the respondents has no objection for it. Accordingly adjourned.

Call on 03.08.2018 at 11.00 A.M.

Sd/-
Chairman

O. P. No. 34 of 2018

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

Petition filed seeking orders for granting extension of time for SCOD for (129) days

Sri. Hemanth Sahai, Senior Counsel along with 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. Pravalika, Advocate are present. The counsel for the petitioner has sought adjournment, stating that the petitioner is required to file rejoinder as also some documents to be relied upon. The counsel for the respondents has no objection for it. Accordingly adjourned.

Call on 03.08.2018 at 11.00 A.M.

Sd/-
Chairman

O. P. No. 35 of 2018

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

Petition filed seeking orders for granting extension of time for SCOD for (274) days

Sri. Hemanth Sahai, Senior Counsel along with 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. Pravalika, Advocate are present. The counsel for the petitioner has sought adjournment, stating that the petitioner is required to file rejoinder as also some documents to be relied upon. The counsel for the respondents has no objection for it. Accordingly adjourned.

Call on 03.08.2018 at 11.00 A.M.

Sd/-
Chairman

O. P. No. 36 of 2018

M/s. Gea BGR Energy System India Ltd. Vs. Spl. Chief Secretary, TSSPDCL & its
CGM

Petition filed seeking orders for granting extension of time for SCOD for (347) days

Sri. Challa Gunaranjan, Advocate 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 he has filed detailed chronology of events along with supporting material. The PPA was entered on 26.02.2016, the SCOD should have been 25.02.2017 and the actual synchronization took place on 08.02.2018. The land procurement was an issue. The petitioner had informed about the same to the DISCOM on 04.07.2016. Ultimately, the land was procured on 18.11.2016 at a distance of 6 KMs from the substation. The TRANSCO was asked permission to lay the line in March, 2017 and approval was given in May, 2017, thereafter contractor was approved in June, 2017. Though the petitioner's project is of only 2 MW, it faced right of way issues, which caused delay in execution of the project.

The counsel for the petitioner stated that the petitioner sought work completion certificate in August, 2017 itself, however, it was issued much later. Thus, delay has occasioned in execution of the project. The counsel for the respondents stated that the permission for laying line was itself sought after completion of the

PPA period. Therefore, the DISCOM invoked the penalty and demanded the amount. The Commission may take a view in the matter.

Having heard the arguments of the counsels for both parties, the matter is reserved for orders.

Sd/-
Chairman

O. P. No. 37 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

Sri. Hemanth Sahai, Senior Counsel along with 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. Pravalika, Advocate are present. The counsel for the petitioner stated that the petitioner has established a 50 MW solar power project, 30 MW of the project had already been commissioned and another 20 MW of the project is pending synchronization. Though the petitioner was ready in the month of April, 2018 itself for synchronization of the balance capacity, the DISCOM has not been coming forth to synchronize the project.

The counsel for the petitioner stated that, assuming there is a delay and the total period allowed for execution has also expired, the Commission is empowered to ensure synchronization of the project by treating the project afresh and also determining fresh tariff in view of the agreement getting expired due to lapse of time. In this regard he sought to emphasize the provisions of the Act, 2003 being 86 (1) (b) and 181 of the Act, 2003. Though the petitioner is ready to synchronize the balance capacity, the DISCOM is not allowing the same.

The counsel for the petitioner relied on the judgment of the Hon'ble Supreme Court rendered in M/s. Energy Watchdog Vs. CERC and batch cases, regarding regulatory power. He also relied on M/s. Zenit Mataplast Private Limited Vs. State of Maharashtra and others in respect of granting interim order. He cited the judgment of the Hon'ble Supreme Court rendered in Sri. K. Ramanathan Vs. State of Tamil Nadu and another to elucidate the word regulate. Lastly, he cited the order of the Hon'ble

ATE in the matter of M/s. Subhash Infracengineers Private Limited and another Vs. Haryana Electricity Regulatory Commission and another regarding importance of retaining the asset value and if need be necessary directions can be given as an interim measure to put the asset to use and not allowed to deteriorate. This judgment was more particularly in respect of a solar project itself.

The counsel for the petitioner stated that Section 181 of the Act, 2003 has mentioned regulation making power in respect of several provisions, but did not mention section 86 (1) (b) of the Act, 2003, obviously keeping in mind the fact that the word regulate is extensive and has no limited meaning as also cannot be circumscribed by any regulation. Therefore, he sought interim direction to the DISCOM to synchronize the project of balance 20 MW and decide the matter at a later date. The said order in any case would be subject to the final outcome of the matter of the original proceedings.

The counsel for the respondents sought to distinguish the judgments relied upon by the counsel for the petitioner. The judgments relied upon by the petitioner do not support the claim of the petitioner as in the matter of M/s. Energy Watchdog, the Court was looking at compensatory tariff and has nothing to do with force majeure conditions or synchronization. In the matter of M/s. Zenit Mataplast Private Limited, the issue involved was with regard to allotment of land. In the case of Sri. K. Ramanadhan, the matter arose under Essential Commodities Act, 1955. The order of the Hon'ble ATE was with reference to a project which has been commissioned but synchronization was not taking place, which is not the situation in the petitioner's case. Moreover, in the case of M/s. Zenit Mataplast Private Limited and the order of the Hon'ble ATE, the respective courts themselves have made it clear that the judgment or order are of no precedent value. Thus, the petitioner having waited for so long and as the project has already exhausted the 21 months time allowed for completion cannot seek urgency and necessity of synchronization. The respondents require two more weeks time to file counter affidavit in the fresh interlocutory application filed by the petitioner to amend the prayer as also the present request for synchronization of the project.

The Commission took the view nothing detrimental would happened to the DISCOM even if synchronization takes place. However, the Commission would

consider the same separately and take a view on the grant of interim order for the present. Accordingly, the matter is adjourned.

Call on 03.08.2018 at 11.00 A.M.

Sd/-
Chairman

O. P. No. 38 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
Sri. Hemanth Sahai, Senior Counsel along with 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. Pravalika, Advocate are present. The counsel for the petitioner has sought adjournment, stating that the petitioner is required to file rejoinder as also some documents to be relied upon. The counsel for the respondents has no objection for it. Accordingly adjourned.

Call on 03.08.2018 at 11.00 A.M.

Sd/-
Chairman

O. P. No. 39 of 2018

M/s. Zuka Power Pvt. Ltd. Vs. Spl. Chief Secretary, TSSPDCL & its CGM
Petition filed seeking orders for granting extension of time for SCOD for (188) days
Sri. Challa Gunaranjan, Advocate 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 the PPA is dated 26.02.2016 and the SCOD under PPA is 26.05.2017, but the actual SCOD is on 30.11.2017. The project capacity is 48 MW. The work completion certificate was issued on 24.11.2017, despite the request was made by the petitioner in the month of August, 2017. The counsel for the respondents stated that the application for work completion was itself made on 20.11.2017. Therefore, there is delay in execution of the project. The Commission may consider the submissions that the petitioner has itself delayed the project.

Having heard the arguments of the counsels for both parties, the matter is reserved for orders.

Sd/-
Chairman.

O. P. No. 40 of 2018

M/s. Jilesh Power Pvt. Ltd. Vs. Spl. Chief Secretary, TSDISCOMs, CGM-TSNPDCL & TSTRANSCO

Petition filed seeking orders for granting extension of time for SCOD for (180) days

Sri. Challa Gunaranjan, Advocate 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 the date of PPA is 04.03.2016 and the SCOD date is 03.03.2017. The project capacity is 45 MW, of the said capacity 22 MW had been synchronized on 01.12.2017 and the rest of the capacity on 23.04.2018. The petitioner sought work completion on 16.08.2017 and the same was reiterated on 19.08.2017, however, the same was issued on 22.10.2017. Later, the synchronization was not allowed for 23 MW. Subsequently, on Commission's concurrence the balance capacity was synchronized on 23.04.2018. In between there occurred delay.

The counsel for the respondents stated that the request for work completion letter was received much later than the PPA time itself. The DISCOM invoked penalty of Rs.10.48 crores. The Commission may consider the present position and decide the matter.

Having heard the arguments of the counsels for both parties, the matter is reserved for orders.

Sd/-
Chairman.

O. P. No. 41 of 2018

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I. A. No. 19 of 2018

M/s. Renew Saur Shakti Pvt. Ltd. Vs. TSSPDCL

Petition filed seeking orders for granting extension of time for SCOD for (45) days

I.A. filed seeking directions to the respondent not to invoke the performance bank guarantee till the disposal of the original petition.

Ms. Swapna Seshadri, Advocate 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 that the matter is listed erroneously as the same was already heard and reserved for orders. The counsel for the respondent has also confirmed the same. Accordingly, the matter is reserved again for orders.

Sd/-
Chairman.

O. P. No. 44 of 2018
&
I. A. No. 22 of 2018

M/s. Prathmesh Solarfarms Private Limited Vs. TSSPDCL
Seeking orders for granting extension of time for SCOD for (115) days

I.A. filed seeking directions to the respondent not to invoke the performance bank guarantee till the disposal of the original petition.

Ms. Swapna Seshadri, Advocate 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 the PPA was signed on 29.02.2016 and the SCOD was on 28.05.2017 as per PPA. The project was actually commissioned on 20.09.2017. There is a delay of 115 days in commissioning the project. The capacity of the project is 50 MW. The delay has been occasioned due to delay in execution on account of incessant rainfall hampering the work. The petitioner was otherwise ready to complete the work. The detailed reasons are filed in the memo with supporting material. The counsel for the respondent stated that partly it is a fact but the petitioner ought to have taken proper steps in executing the project. He also stated that there were delays on the part of the petitioner in taking necessary approvals.

Having heard the arguments of the counsels for both parties, the matter is reserved for orders.

Sd/-
Chairman