

Record of Proceedings dated 27.01.2017

O. P. (SR) No. 72 of 2016

M/s. Southern Power Distribution Company of Telangana Ltd. Vs -Nil- M/s. Enrich Energy Private Ltd, M/s. Abbas Constructions Pvt. Ltd. & M/s. Minopharm Laboratories Pvt. Ltd. (Added as respondents by the Commission)

Petition filed for adopting of tariff for individual generators of the solar power park developed by M/s. Enrich Energy Pvt. Ltd.

Sri. Y. Rama Rao, Counsel for the petitioner along with Smt. Priya Iyengar, Advocate, Smt. Dipali Sheth, Advocate for the Respondent No.1, Sri. V. Venkat Naga Raju, Advocate for Respondent No.2 and Sri. K. Anup Koushik, Advocate for the Respondent No.3 are present. The counsel for the respondent No.3 stated that the necessary reply affidavit is being filed today. He has stated that the company had no knowledge of the extension of time for obtaining SCOD and came to know only through another company, which is respondent No. 2 now. It is also stated that after the Commission had passed initial order in O. P. No. 11 of 2016, the respondent No. 3 is of the impression that the solar park concept was approved by the Commission. However, the petitioner in this case had subsequently communicated to all the developers the order dated 03.12.2016 passed by the Commission except the respondent No. 3. It came to know of the order on 03.01.2017 and made a representation for synchronization of the plant. To a specific question whether the plant is completed or not, the counsel for the respondent No. 3 stated that the plant is completed and completion certificate has been communicated to the petitioner. The Commission required the respondent No. 3 to file the proof of the same to which the counsel agreed to place it before the Commission.

The respondent No. 2 through its counsel has stated that it has no objection for the relief sought by the petitioner. The counsel for the respondent No. 1 stated that the written arguments have already been filed but she is proposing to file an application to intervene in the matter, the intervener being the new company, which will replace the respondent No. 2 in the agreement. The Commission sought to know whether the procedure of changing the name under the relevant law has been completed. However, the counsel for the petitioner stated that it has not been informed of the same as yet would examine upon such intimation and later place the matter before the Commission for appropriate orders. Since the DISCOM is yet to examine the issue,

the Commission expressed its unwillingness to take into account the change of name, it being separate proceeding altogether and not connected with the instant case.

The counsel for the petitioner while reiterating the cause of adjournment of the matter to this day, has pointed out that no counter-affidavit came forth from the respondent Nos. 2 and 3. The counsel for respondent No.3 handed over a copy of the reply affidavit to the counsel for the petitioner while placing the same before the Commission. The counsel for the petitioner, on instructions from the officers present during the hearing, has stated that the petitioner is not in receipt of any communication with regard to completion of the project and there cannot be further extension in respect of the specific project, the timeline extended by the government and subsequently endorsed by the Commission in its order dated 03.12.2016 on the petition filed by the petitioner which has become final. In the absence of completion certificate not being filed by the respondent No. 3, there is no way for the petitioner to undertake synchronization of the project. He stated that unless it ascertains itself about the completion of the project, no action can be initiated by it.

The counsel for the petitioner also stated that the Commission had considered the enlargement of time as ordered by the government and has passed orders which were available on the website of the Commission. It is for the respondent No. 3 to follow up with the petitioner for synchronization of the project, if the same has been completed. He is not in a position to confirm whether the respondent No. 3 approached the petitioner informing completion of the plant and that it requires synchronization. He stated that he needs two days time to visit the plant and confirm to itself that the plant is completed and ready for synchronization.

The Commission having heard the arguments directed the petitioner to place before the Commission the completion of plant of respondent No. 3 and also file its written submissions. The respondent No. 3 shall place before the Commission the relevant communication sent to the petitioner about the completion of the project and also purported request made by it for synchronization of the plant alongwith the written submission on its part in the matter immediately at any rate by 30.01.2017. The matter is reserved for orders of the Commission.

Sd/-
Member

Sd/-
Chairman