

**Record of proceedings dated 23.12.2015**

O. P. No. 5 of 2015

And

I. A. No. 27 of 2015

M/s Knowledge Infrastructure Systems Pvt. Ltd., New Delhi & M/s Shalivahana (MSW) Green Energy Ltd. vs TSSPDCL, Chief General Manager, (Comml & RAC) & TSPCC

Petition filed u/s 86 (1) (f) of the Electricity Act, 2003 claiming certain amounts due Eon account of supply of electricity under short term purchase for the months January, February and March, 2013

Filed an I.A. seeking to amend the title in the petition.

Sri. Challa Gunaranjan counsel for the petitioner and Sri. Y. Rama Rao counsel for the respondent along with Sri. P. Venkatesh Advocate are present. The counsel for the petitioner stated that the DISCOMs have issued the notice on procurement of power on short term purchase for the year 2012 -13. However the additional power injected into the grid is not being paid for. The generator additional capacity of 1.5 MW and the same has been contracted with IEX for the months of January to March 2013. The DISCOMs have appropriated the energy and to account of short term purchase saying that there is deficit supply or if excess power is received treated it as inadvertent power and further levied UI charges.

It is also stated that the principle of 15 minute time block for computing energy delivery as per the CERC regulation applicable to sale to IEX has not been adhered to by the DISCOMs in case of short term purchase from the petitioner. On the other hand the counsel for the respondent clearly stated that the petition is not maintainable in view of the fact the claim is in respect sale to IEX and as such the petitioner should have approached the CERC. Further, the petition is filed by a trader who is not a licensee of the Commission, but a licensee of CERC.

The Commission noted that the argument of the DISCOMS is not correct as they have not chosen to file the relevant energy data for the period January to March 2013 before the Commission as only meter at the interconnection records only the total energy fed into the grid. It is for the SLDC to show what energy has been drawn by the DISCOM

and what quantity has been made available to IEX after meeting the priority supply to DISCOM.

The DISCOM shall file the relevant date by the next date of hearing and the same will be made available to petitioner atleast 1½ month in advance who shall before 20 days of hearing file any reply to such data. The petitioner is also directed to pay the balance fee in respect of I A filed for amendment of the title by the next date of hearing. Adjourned.

		Call on 11.04.2016
		At 11.00 AM
Sd/- Member	Sd/- Member	Sd/- Chairman

O. P. No. 6 of 2015  
And  
I. A. No. 28 of 2015

M/s Rithwik Power Projects Limited vs TSNPDCL

Petition filed seeking directions to the Licensee for payment of tariff for the additional capacity of 1.5 MW at the rate being paid to existing 6 MW power plant.

Filed an I.A seeking to amend the title in the petition.

Sri. Challa Gunaranjan counsel for the petitioner and Sri. Y. Rama Rao counsel for the respondent along with Sri. P. Venkatesh Advocate are present. The counsel for the petitioner stated that the commission had directed him to ascertain from the petitioner as to whether it has taken steps to enter into PPA for the total capacity with the DISCOM. He is yet to ascertain from the petitioner, so requested for time. Accordingly adjourned.

		Call on 11.04.2016
		At 11.00 AM
Sd/- Member	Sd/- Member	Sd/- Chairman

O. P. No. 7 of 2015  
And  
I. A. No. 29 of 2015

M/s. Shalivahana (MSW) Green Energy Limited vs TSLDC

Petition filed questioning the refusal of grant of accreditation for the 12 MW (MSW) project under RPPO Regulation.

Filed an I.A. seeking to amend the title in the petition.

Sri. Challa Gunaranjan counsel for the petitioner and Sri. Y. Rama Rao counsel for the respondent along with Sri. P. Venkatesh Advocate are present. The counsel for the petitioner stated that he has already submitted the order of the Hon'ble ATE confirming the order passed by Andhra Pradesh Electricity Regulatory Commission in a similar situation. He stated that the counsel for the respondent sought time to verify and report by this hearing whether will implement the ATE order. The counsel for the respondent stated that the said order is not applicable as the generator is supplying power to the trader.

To a specific query, the counsel for the respondent has expressed no knowledge about any appeal having been preferred by APSLDC against the said ATE order.

The Commission felt that since the information is not coming forth from the SLDC it is better to pass order in the matter. Accordingly, the matter is heard and order are reserved.

Sd/-  
Member

Sd/-  
Member

Sd/-  
Chairman

O. P. No. 14 of 2015

M/s. Arhyama Solar Power Pvt.Ltd. vs Energy Dept., Govt.of Telangana, TSSPDCL  
& TSTRANSCO

Petition seeking the levy of transmission and wheeling charges as determined by erstwhile APERC vide order dated 09.05.2014 contrary to government policy as adopted by the APERC.

Smt. P. Lakshmi, Advocate and counsel for the petitioner and Sri. Y. Rama Rao, Counsel for the respondents along Sri. P. Venkatesh are present. The counsel for the petitioner stated that she is filing reply to the counter affidavit. She is not in a position to place the judgments in the matter so time is needed to make submission. The counsel for the respondent has no objection

Sd/-  
Member

Sd/-  
Member

Call on 11.04.2016  
At 11.00 AM  
Sd/-  
Chairman

R. P. (SR) No. 42 of 2015  
And  
I. A. (SR) No. 51 and 52 of 2015

M/s Suguna Metals Limited vs TSNPDCL & TSSPDCL

Petition filed seeking review of the tariff order dated 27.03.2015 in OP Nos. 76 and 77 of 2015 in respect of voltage surcharge (SR. No. 42 of 2015)

Petition filed for interim orders pending disposal of the review petition (SR No. 51 of 2015)

Petition filed for condoning the delay of 34 days in filing the review petition (SR No. 52 of 2015)

Sri. N. Vinesh Raj, Counsel for the petitioner and Sri Y. Rama Rao, Counsel for the respondent along with Sri P. Venkatesh, Advocate are present. The counsel for the petitioner submitted arguments and stated it is being penalised with voltage surge due to the words in the tariff order that the same leviable even power drawn from other sources under open access. The counsel for the petitioner sought clarification of the tariff order. The counsel for the respondent on the other hand sought support the tariff order stating that the system only one and the petitioner cannot exceed the power drawn from the licensee even though it may avail power from other sources.

The Commission required the DISCOM to file its counter affidavit so as to enable the Commission to take a clear decision in the matter. Adjourned.

Call on 11.04.2016  
At 11.00 AM

Sd/-  
Member

Sd/-  
Chairman

O. P. No. 49 of 2015  
And  
I. A. No. 18 of 2015

M/s Corporate Power Limited vs TSSPDCL & TSNPDCL

Petition filed seeking resolution of disputes between it and the licensees in the erstwhile state of Andhra Pradesh by referring the matter of arbitration in respect of power purchase agreement dated 31.07.2012.

There is no representation on behalf of the petitioner. Sri Y. Rama Rao, Counsel for the respondent along with Sri P. Venkatesh, Advocate is present. In view of the

absence of the petitioner or its counsel consecutively twice, the same is dismissed for default.

Sd/-  
Member

Sd/-  
Member

Sd/-  
Chairman

O. P. No. 59 of 2015

And

I. A. No. 20 of 2015

M/s. KSK Mahanadi Power Company Limited vs TSSPDCL & TSNDCL

Petition filed u/s 86(1) (f) of the Electricity Act, 2003 seeking resolution of disputes between it and the under the power purchase agreement dated 31.07.2012.

Sri. Anand K Ganeshan counsel for the petitioner and Sri Y. Rama Rao, Counsel for the respondent along with Sri. P. Venkatesh, Advocate are present. The counsel for the petitioner stated that the bills relating to individual DISCOMs have been placed on record as has been directed by the Commission while hearing on 07.12.2015. Since the agreement period itself is going to end by June 2016, he sought early hearing of the matter. The counsel for the respondents sought time to verify the position and appraise the Commission on the next date of hearing. However, he has stated that the matter attracts the issue of jurisdiction of the Commission which is yet to be decided by the Commission.

The Commission observed that the petitioner started supplying power from August'2013 onwards and has been raising the bills, but no payments were received by it. As the agreement is likely to be expire in a few months' time, it is desirable that the issue of payment of bills is required to be settled immediately without fail, as according to the petitioner it has not received any payment though power supply is being done for long time. Though the counsel for the petitioner sought the posting of O P No. 68 of 2015 only, it is opposed by the counsel for the respondent and he sought posting of all the cases together for hearing.

The Commission accordingly adjourned the matter to April 2016 but gave specific date to the case and the Commission would hear the matter completely at one go including

the issue of jurisdiction. It is also made clear to the counsel for the parties that no adjournment will be given in the matter on the next date of hearing.

Sd/-  
Member

Sd/-  
Member

Call on 12.04.2016  
At 11.00 AM  
Sd/-  
Chairman

O. P. No. 60 of 2015

DISCOMS & APPCC vs M/s KSK Mahanadi Power Company Ltd., & 4 others

Petition u/s 86(1) (f) of the Electricity Act, 2003 for directions on illegal claim of Rs. 66.31 crores towards the transmission charges for the period 16<sup>th</sup> June, 2013 to 13<sup>th</sup> August, 2013 and capacity charges for the period 16<sup>th</sup> June, 2013 to 26<sup>th</sup> July, 2013 by illegal invoking letter of credit by M/s KSK Mahanadi Power Company Ltd., for the period without supplying power to the petitioners.

Sri Y. Rama Rao, Counsel for the petitioners along with Sri. P. Venkatesh, Advocate and Sri. Anand K Ganeshan counsel for the respondent and are present. The counsel for the petitioner stated that the bills relating to individual DISCOMs have been placed on record as has been directed by the Commission while hearing on 07.12.2015. Since the agreement period itself is going to end by June 2016, he sought early hearing of the matter. The counsel for the respondents sought time to verify the position and appraise the Commission on the next date of hearing. However, he has stated that the matter attracts the issue of jurisdiction of the Commission which is yet to be decided by the Commission.

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Sd/-  
Member

Sd/-  
Member

Call on 12.04.2016  
At 11.00 AM  
Sd/-  
Chairman

O. P. No. 68 of 2015

And

I.A. No. 19 of 2015

M/s. KSK Mahanadi Power Company Ltd., Vs TSSPDCL & TSNPDCL

Petition filed u/s 86(1) (f) of the Electricity Act, 2003, seeking resolution of disputes between it and the under the power purchase agreement dated 31.07.2012.

Sri. Anand K Ganeshan counsel for the petitioner and Sri Y. Rama Rao, Counsel for the respondent along with Sri. P. Venkatesh, Advocate are present. The counsel for the petitioner stated that the bills relating to individual DISCOMs have been placed on record as has been directed by the Commission while hearing on 07.12.2015. Since the agreement period itself is going to end by June 2016, he sought early hearing of the matter. The counsel for the respondents sought time to verify the position and appraise the Commission on the next date of hearing. However, he has stated that the matter attracts the issue of jurisdiction of the Commission which is yet to be decided by the Commission.

The Commission observed that the petitioner started supplying power from August'2013 onwards and has been raising the bills, but no payments were received by it. As the agreement is likely to be expire in a few months' time, it is desirable that the issue of payment of bills is required to be settled immediately without fail, as according to the petitioner it has not received any payment though power supply is being done for long time. Though the counsel for the petitioner sought the posting of O P No. 68 of 2015 only, it is opposed by the counsel for the respondent and he sought posting of all the cases together for hearing.

The Commission accordingly adjourned the matter to April 2016 but gave specific date to the case and the Commission would hear the matter completely at one go including

the issue of jurisdiction. It is also made clear to the counsel for the parties that no adjournment will be given in the matter on the next date of hearing.

Sd/-  
Member

Sd/-  
Member

Call on 12.04.2016  
At 11.00 AM  
Sd/-  
Chairman

O. P. No. 61 of 2015  
And  
I. A. No. 23 of 2015

M/s Green Energy Association vs DISCOMs and TSSLDC

Petition u/s142oftheElectricityAct,2003 for noncompliance of Regulation 7 (1) & (2) and 9 of the APERC Renewable Power Purchase Obligation (Compliance by Purchase of Renewable Energy / Renewable Energy Certificate) Regulation, 2012.

Filed an I.A seeking to amend the title to the case and also to amend the prayer in the petition.

Sri. B. Tagore Advocate representing M/s. Eternity Legal, who is the counsel for the petitioner and Sri. Y. Rama Rao counsel for the respondents along Sri. P. Venkatesh Advocate are present. The advocate representing petitioner has stated that the petitioner has filed all the necessary information and no further arguments are required to be submitted. The advocate representing the counsel for respondent has stated that as per the counter affidavit the petitioner has no locus standi to pursue the petition before the Commission and the Commission cannot entertain the petition, accordingly the same has to be dismissed.

The Commission directed the DISCOMs to file data relating to compliance of RPO regulation on or before 31.01.2016 and any reply from the petitioner by a week thereafter Since the arguments are concluded the matter reserved for judgment.

Sd/-  
Member

Sd/-  
Member

Sd/-  
Chairman

O. P. No. 74 of 2015  
And  
I. A. No. 24 of 2015

M/s Hetero Wind Power Ltd. vs TSTRANSCO, APTRANSCO & TSSPDCL

Petition seeking execution of tariff order dt.09.05.2014 with regard to exemption of transmission & wheeling charges for the petitioner's wind project.

Filed an I.A. seeking to amend the title in the petition.

Sri. P. M. Gopala Krishna Advocate representing Sri. Prasad Rao Vemulapalli, Counsel for the petitioner and Sri. Y. Rama Rao, Counsel for the respondent along Sri. P. Venkatesh are present. The counsel for the petitioner stated that the respondents have to adjust huge amount towards transmission and wheeling charges and not implementing the order of the Commission dated 09.05.2015. The counsel for the respondent stated that there is a review filed by TSTRANSCO against the said order. Therefore, the respondents are awaiting the result of the said petition.

The Commission expressed its displeasure that the licensee has chosen not to file the material as directed by it on the basis of which the review petition is being filed and prosecuted. It is also pointed out that in the absence of any orders from the Commission on the review petition and there being no challenge to the order, why the said order is not being implemented. It also noted that a similar review petition filed by M/s APTRANSCO before APERC has already been dismissed stating that review cannot be undertaken in respect of an order passed in respect of combined state.

The Commission having regard to the position as is available treated the matter as heard and reserved its orders.

Sd/-  
Member

Sd/-  
Member

Sd/-  
Chairman

R. P.(SR) No. 1 of 2015

TSTRANSCO vs Nil

Petition seeking review of the order dated 09.05.2014 determining the transmission tariff for the 3<sup>rd</sup> control period of 2014-2019

Sri. Y. Rama Rao, Counsel for petitioner along with Sri. P Venkatesh Advocate are present. The Counsel for the petitioner sought adjournment as material in support of the review petition is not filed before the Commission.

The Commission expressed its displeasure that the licensee has chosen not to file the material as directed by it on the basis of which the review petition is being filed and prosecuted. It is also pointed out that in the absence of any orders from the

Commission on the review petition and there being no challenge to the order, why the said order is not being implemented. It also noted that a similar review petition filed by M/s APTRANSCO before APERC has already been dismissed stating that review cannot be undertaken in respect of an order passed in respect of combined state.

The Commission having regard to the position as is available treated the matter as heard and reserved its orders.

Sd/-  
Member

Sd/-  
Member

Sd/-  
Chairman

O. P. No. 80 of 2015

M/s Singareni Collieries Company Ltd. vs TSNPDCL

Petition seeking renewal of the exemption from license granted by the erstwhile Andhra Pradesh Electricity Regulatory Commission on 15.09.2011 in OP No. 55 of 2011 duly extending the exemption from license granted to it by the said Commission by order dated 31.01.2000 in OP No. 5 of 1999.

Sri. V. Vijender General Manager (E and M) of the petitioner and Sri. Y. Rama Rao counsel for the respondent along with Sri. P. Venkatesh Advocate are present. The representative of the petitioner stated that all the services were taken over by the licensee M/s. Northern Power Distribution Company Limited of Telangana State. It is approximately 80% of the total connections provided by the petitioner. However, there are certain connections which are existing in the area of the petitioner over which it has control and there are some connections where right of way is an issue for the licensee hence they are not yet transferred. He stated that in some areas there is an existing line of the petitioner with the existing services of the petitioner and thus licensee is not capable of or not inclined to lay another line for the connections so existing under the existing line. He also stated that the petitioner is willing to handover all the connections with which petitioner is not all concerned and which are given to private persons or organisations. Reacting to the submission of the counsel for the respondent has pointed out that the connections being transferred by the petitioner need to be indemnified petitioner as the same are originally given by the petitioner and most these connections are existing in the area of the petitioner.

The Commission pointed out that the petitioner has complied with the directions of the Commission requiring transfer power supply business not connected with its main

activity to the licensee and seeking to complete the process by handing over all the connections to the licensee with which it has no relation what so ever even if such connections are in the area of the petitioner. Thus the licensee should take over all the connections. On the point of providing the service connections to the consumers who got transferred from the petitioner to the licensee and insistence of indemnity from such consumers or the petitioner is not correct. On the point of expenditure involved in the laying of new lines wherever necessary, which involved licensee's finances to the tune of Rs. 5 crores, which the licensee wants the consumers or the petitioner to pay, it made clear that such expenditure could be claimed as part of the ARR and no payment be demanded from anybody. It should also lay down the lines immediately and provide supply without delay and also takeover all the connections not related to the petitioner. The respondent sought time to lay the line to take over the services at a cost of Rs. 5. crores upto May 2016, in view of the above and in order to continue the supply to such consumers.

The exemption from having license is extended upto 31.05.2015. the transfer of connections by the licensee should be completed by 31.05.2016. Matter is adjourned.

Sd/-  
Member

Sd/-  
Member

Sd/-  
Chairman

O. P. No. 82 of 2015

And

I. A. No. 32 of 2015

M/s. Pragathi Group vs TSSPDCL, TSTRANSCO & TSSLDC (Proposed to be impleaded)

Petition seeking to question the action of levying wheeling and transmission charges by licensees along with other issues.

Petition in IA No. 31 of 2015 to implead TSSLDC

Sri. Y. Rama Rao, Counsel for the respondent along with Sri. P Venkatesh Advocate are present. There is no representation on behalf of the petitioner. The counsel for the respondent stated that on the earlier hearing date, the Commission directed the petitioner to add TSSLDC as a party respondent to the petition and directed the TSSLDC to file its counter affidavit on the petition filed by the petitioner. Accordingly notice has been received and a counter affidavit is filed before the Commission.

In view of the above, the Commission adjourned the hearing.

Call on 11.04.2016  
At 11.00 AM

Sd/-  
Member

Sd/-  
Chairman

O. P. No. 89 of 2015

M/s. Bhagyanagar India Ltd. 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 dt.09.05.2014 of erstwhile APERC

Sri. Challa Gunaranjan counsel for the petitioner and Sri. Y. Rama Rao, Counsel for the respondents along with Sri. P. Venkatesh Advocate are present. The counsel for the petitioner stated that the respondent has partly adjusted the amounts towards wheeling charges paid by them that is upto 50% only. The counsel for the respondents sought to rebut the same by stating that the entire amount has been adjusted.

The Commission adjourned the hearing and directed the parties to place the correct figures regarding the adjustment of the amount and also the amounts due to be adjusted by the next date of hearing.

Call on 13.04.2016  
At 11.00 AM

Sd/-  
Member

Sd/-  
Chairman

O. P. No. 90 of 2015

M/s Lodha Healthy Construction and Developers Pvt.Ltd. Vs TSSPDCL & Officers

Petition filed questioning the action of DISCOM in not implementing the order of the Vidyut Ombudsman and to punish the Licensee u/s 142 of the Electricity Act, 2003.

Sri. Challa. Gunaranjan, Counsel for the petitioner and Sri. Y. Rama Rao, Counsel for the respondent along with Sri. P. Venkatesh Advocate are present. The counsel for the petitioner stated that the petitioner is seeking implementation of the order of the Vidyuth Ombudsman and the respondents have taken time twice to place before the Commission the implementation of the order. Yet they have not implemented the order of the Vidyuth Ombudsman. The counsel for the respondent has pointed out that already there is an interim order in their favour from the Hon'ble High Court which has

been complied with. He also stated that infact the directions of the Ombudsman have been complied with by giving fresh notice and passing final order in the matter. However, the advocate representing the counsel for the petitioner was not in a position to confirm the same.

The Commission has adjourned the hearing at the request of counsel for the petitioner and directed him to come out very clearly with the facts and show how the order of the Vidyuth Ombudsman is not implemented

Sd/-  
Member

Call on 13.04.2016  
At 11.00 AM  
Sd/-  
Chairman

O. P. No. 91 of 2015

M/s. Sanathnagar Enterprises Ltd. vs TSSPDCL & Officers

Petition filed questioning the action of DISCOM in not implementing the order of the Vidyut Ombudsman and to punish the licensee u/s 142 of the Electricity Act, 2003.

Sri. Challa. Gunaranjan, Counsel for the petitioner and Sri. Y. Rama Rao, Counsel for the respondent along with Sri. P. Venkatesh Advocate are present. The counsel for the petitioner stated that the petitioner is seeking implementation of the order of the Vidyuth Ombudsman and the respondents have taken time twice to place before the Commission the implementation of the order. Yet they have not implemented the order of the Vidyuth Ombudsman. The counsel for the respondent has pointed out that already there is an interim order in their favour from the Hon'ble High Court which has been complied with. He also stated that infact the directions of the Ombudsman have been complied with by giving fresh notice and passing final order in the matter. However, the advocate representing the counsel for the petitioner was not in a position to confirm the same.

The Commission has adjourned the hearing at the request of counsel for the petitioner and directed him to come out very clearly with the facts and show how the order of the Vidyuth Ombudsman is not implemented

Call on 13.04.2016  
At 11.00 AM

Sd/-  
Member

Sd/-  
Chairman

O. P. No. 92 of 2015

M/s Suguna Metals Ltd. vs Vidyut Ombudsman of Telangana & TSSPDCL Officers

Petition filed questioning the action of DISCOM in not implementing the order of the Vidyut Ombudsman and to punish the Licensee u/s 142 of the Electricity Act, 2003.

Sri. N. Vinesh Raj, Counsel for the petitioner and Sri. Y. Rama Rao, Counsel for the respondent along with Sri. P. Venkatesh Advocate are present. The counsel for the petitioner stated that the counsel for the respondent sought further time to inform the Commission about the status of implementation of the order of Ombudsman. He also sought time to file counter affidavit in the matter. Nothing has come forward in the matter. The counsel for the respondent on the other hand stated the petitioner has already approached the Hon'ble High Court on the same issue and obtained order. The counsel for the petitioner clarified that the petitioner had approached the Hon'ble High Court as there was immediate threat of disconnection and obtained order in the matter.

The Commission having found that the order of the Vidyut Ombudsman is clear and unambiguous reserved the matter for its Judgment.

Sd/-  
Member

Sd/-  
Chairman

O. P. No. 94 of 2015

M/s MLR Industries Pvt. Ltd. vs TSSPDCL & Officers

Petition filed seeking banking facility solar power exported on captive utilization basis by petitioner itself.

Sri. Mohan Rao Counsel for the petitioner and Sri. Y. Rama Rao, Counsel for the respondent along with Sri. P. Venkatesh Advocate are present. The counsel for the

petitioner stated that the petitioner has established a solar power plant for captive consumption at its own industrial unit and availed grid connectivity. Such grid connectivity is being used for pumping the excess energy generated from the captive power plant and the same energy is sought to be banked to be used by itself during lean period of supply when there is less demand on licensee. The project is established on the basis of 2012 solar policy erstwhile Government of Andhra Pradesh and such benefits are given under the policy of Government of Telangana also. The counsel for the respondents has sought time to file counter affidavit in the matter as it is coming up for the first time and also to inform the feasibility of allowing banking of energy.

While adjourning the matter the Commission has directed the licensee to provide the possible affirmative action in the matter.

Sd/-  
Member

Call on 13.04.2016  
At 11.00 AM  
Sd/-  
Chairman