

Record of proceedings dated 11.04.2022

Case No.	Name of the Petitioner(s)	Name of the Respondent(s)
O. P. No. 10 of 2021	M/s. Medak Solar Projects Private Limited	TSTRANSCO & TSSPDCL

Petition filed seeking to punish the respondents for non-compliance of the order dated 02.01.2019 in O. P. No. 46 of 2018 passed by the Commission.

Sri N. Sai Phanindra Kumar, Advocate representing Sri Challa Gunaranjan, advocate for petitioner and Sri Mohammad Bande Ali, Law Attachee for respondents are present. The counsel for the petitioner stated that the appeal filed by the respondents before the Hon'ble ATE is pending and that the petitioner had undertaken not to press the petition filed before the Commission. Further, the Hon'ble ATE granted orders in favour of the respondents. Later, the petitioner had also approached the Hon'ble Supreme Court against the orders of the Hon'ble ATE. The said appeal is pending consideration before the Hon'ble Supreme Court. Therefore, the matter may be adjourned to a longer date. Considering the submission made by the counsel for petitioner, the matter is adjourned.

Call on 11.08.2022 at 11.30 A.M.

Sd/-
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Chairman

Case No.	Name of the Petitioner(s)	Name of the Respondent(s)
O. P. No. 11 of 2021	M/s. Dubbak Solar Projects Private Limited	TSTRANSCO & TSSPDCL

Petition filed seeking to punish the respondents for non-compliance of the order dated 02.01.2019 in O. P. No. 47 of 2018 passed by the Commission.

Sri N. Sai Phanindra Kumar, Advocate representing Sri Challa Gunaranjan, advocate for petitioner and Sri Mohammad Bande Ali, Law Attachee for respondents are present. The counsel for the petitioner stated that the appeal filed by the respondents before the Hon'ble ATE is pending and that the petitioner had undertaken not to press the petition filed before the Commission. Further, the Hon'ble ATE granted orders in favour of the respondents. Later, the petitioner had also approached the Hon'ble Supreme Court against the orders of the Hon'ble ATE. The said appeal is pending consideration before the Hon'ble Supreme Court.

Therefore, the matter may be adjourned to a longer date. Considering the submission made by the counsel for petitioner, the matter is adjourned.

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Chairman

Case No.	Name of the Petitioner(s)	Name of the Respondent(s)
O. P. No. 12 of 2021	M/s. Sarvotham Care	TSTRANSCO & TSSPDCL

Petition filed seeking to punish the respondents for non-compliance of the order dated 02.01.2019 in O. P. No. 61 of 2018 passed by the Commission.

Sri N. Sai Phanindra Kumar, Advocate representing Sri Challa Gunaranjan, advocate for petitioner and Sri Mohammad Bande Ali, Law Attachee for respondents are present. The counsel for the petitioner stated that the appeal filed by the respondents before the Hon'ble ATE is pending and that the petitioner had undertaken not to press the petition filed before the Commission. Further, the Hon'ble ATE granted orders in favour of the respondents. Later, the petitioner had also approached the Hon'ble Supreme Court against the orders of the Hon'ble ATE. The said appeal is pending consideration before the Hon'ble Supreme Court. Therefore, the matter may be adjourned to a longer date. Considering the submission made by the counsel for petitioner, the matter is adjourned.

Call on 11.08.2022 at 11.30 A.M.

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Chairman

Case No.	Name of the Petitioner(s)	Name of the Respondent(s)
O. P. No. 24 of 2021	M/s. Prashanth Narayan G (PNG)	TSSPDCL & TSTRANSCO

Petition filed seeking the energy generated fed into the grid for the period before open access as deemed purchase of licensee or pay for the same.

Sri N. Sai Phanindra Kumar, Advocate representing Sri Challa Gunaranjan, counsel for the petitioner and Sri Mohammad Bande Ali, Law Attachee for respondents are present. The counsel for petitioner stated that he needs further time to file rejoinder in the matter as the authorized signatory for the same is not available for signing the rejoinder and that therefore, a short time may be given. The representative for the respondents has also opposed the same as he had sufficient time for filing the

rejoinder. The Commission, noticing the several dates of adjournment for the same reason, has pointed out that why it should not impose costs for non-filing of the rejoinder. However, the advocate pleaded for one last chance for filing the rejoinder. Accordingly, the matter is adjourned.

Call on 25.04.2022 at 11.30 AM.

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Case No.	Name of the Petitioner(s)	Name of the Respondent(s)
O. P. No. 47 of 2021 & I. A. No. 20 of 2021	M/s. Mytrah Vayu (Godavari) Private Limited	TSSPDCL, TSTRANSCO & TSPCC

Petition filed seeking payment of amounts towards energy supplied and rebate claimed by the DISCOM in the year 2016.

I. A. filed seeking direction to the respondent No. 1 not to deduct for generation beyond 23% and consequently to make payments in full towards the invoices raised by the petitioner for the energy generated and supplied by the petitioner.

Sri D. Prakash Reddy, Senior Advocate alongwith Sri N. Sai Phanindra Kumar, Advocate for petitioner and Sri Mohammad Bande Ali, Law Attachee for respondents are present. The counsel for petitioner stated that the factual matrix involved in this matter. The petition is filed with reference to payments being effected by the licensee towards power supply contrary to the provisions of the PPA. He has referred to the provisions in the PPA, the order passed by the erstwhile APERC and the judgment rendered by the Hon'ble Supreme Court. He has explained the provisions of the PPA with regard to capacity, capacity utilization factor and payment of tariff based on the order of the APERC. He sought to interpret the provisions of the PPA, observations made by the APERC while determining the preferential tariff and the factors considered for arriving at CUF. It is his case that the factors that went into arriving at tariff and CUF were based on the directions given by the Hon'ble ATE and the Commission had not deviated from the same. While determining the tariff, the Commission ensured levelization of the tariff across the life of the project.

The main concern of the petitioner is supply of energy generated within the CUF and payment for the same by the licensee. The CUF has been averaged bring in parity between different zones, which have different CUF based on geographical

location. The tariff has been worked out based on such levelized CUF. It has no reference to capacity of the project, which was initially 100 MW at the time of signing the PPA and it was subsequently amended to 100.8 MW in the year 2017. The licensee initially understood the provision properly and paid for the energy delivered, wherein the petitioner made the CUF. However, subsequently the licensee started interpreting the CUF by linking the same to the capacity. By no means, the petitioner will be able to deliver more than the capacity of the plant and for any reason, if it is delivered also, the energy so delivered does not get paid for as the capacity has already been agreed to by the parties. Inasmuch as, the petitioner is not demanding payment for the energy supplied to the licensee over and above the CUF, but it is entitled to such charges, which are allowed under the PPA.

The counsel for petitioner stated that the licensee is not giving effect to the orders of the Commission, as the order of the Commission is specific and clear that it should pay for all the energy delivered to it. It is also his case that it is an infirm power, as such the licensee cannot insist that the generator should adhere to the CUF and it should be taken only as a normative. The CERC had been stating that the CUF will vary according to the wind zone as also the hub height of the generator. The petitioner had employed better technology and as such, he is achieving better CUF.

The representative of the respondents stated that the respondents are also relying on the same provisions as have been addressed by the petitioner to claim relief. The licensee is bound to follow the terms of the PPA and cannot deviate from the same. The licensee made payments towards the energy delivered in terms of the PPA only keeping in mind the parameters set out by the Commission and the levelized tariff fixed thereof relying on average CUF. The PPA is based on the decision of the Commission only as it was established within the period for which the order of the Commission is made applicable. The petitioner could not have delivered more energy than the normative fixed by the Commission and also cannot claim the charges for excess energy delivered over and above the CUF, which is benchmark for payment. The petitioner is attempting to claim additional benefit despite the order of the Commission being clear as to CUF, which has to be considered for payment and not capacity as has been defined in the PPA.

The representative of the respondents would emphasize that the PPA is binding on both the parties. The order of the Commission clearly demonstrated and considered the CUF of various places including various zones in the then combined state and levelized the same for arriving at tariff. The tariff fixed by the Commission is dependent on the parameters relied and upon based on the observations of the Hon'ble ATE. The petitioner is not entitled to any relief as prayed for as the licensee has complied with the orders of the Commission and the provisions of the PPA. The petitioner is well aware of the fact that it cannot get paid for energy delivered over and above the CUF.

Having heard the submissions made by the rival parties, the matter is reserved for orders.

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Case No.	Name of the Petitioner(s)	Name of the Respondent(s)
R. P. No. 1 of 2022 in O. P. No. 29 of 2021	TSNPDCCL	M/s. Gayatri Sugars Ltd.

Review petition filed seeking review of the order dated 02.06.2021 passed in O. P. No. 29 of 2021 passed by the Commission.

Sri Mohammad Bande Ali, Law Attachee for the review petitioner and Sri N. Sai Phanindra Kumar, Advocate representing Sri Challa Gunaranjan, Advocate for respondent are present. The advocate representing the counsel for respondent stated that the respondent has no objection, if the order is sought to be modified only to the limited extent of deleting the concession made by the review petitioner as otherwise he needs time to file counter affidavit. The representative of the review petitioner stated that he is insisting for modification of the order and to fix the tariff insofar as 10th year of operation is considered. In view of the submission the advocate representing the respondent sought time for filing counter affidavit for three weeks. Having considered the submission of the parties, the matter is adjourned.

Call on 02.05.2022 at 11.30 A.M.

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Case No.	Name of the Petitioner(s)	Name of the Respondent(s)
O. P. No. 36 of 2021	M/s. L. B. Kunjir	TSSPDCL

Petition filed seeking reimbursement of the principle amount along with DPS / LPS for the energy supplied to the DISCOM.

Sri V. N. Bohra, advocate for petitioner and Sri. Mohammad Bande Ali, Law Attachee respondent are present. The counsel for petitioner stated that the issue is related to the payment of amounts due to the generator along with late payment surcharge. It is his case that the payment have not been made on the premise that the petitioner has not furnished bank details. The representative of the respondent stated that payments are being made and same are being received by the petitioner. Earlier the petitioner did not receive payments towards energy charges, but subsequently, the petitioner has been receiving the amount in their bank account, yet the earlier payments are due to it. The representative of the respondent stated that payments are made in accordance with PPA and there are no dues to be paid to the petitioner. He opposed any relief towards late payment charges as the petitioner itself has delayed furnishing of details of financial particulars. In view of the submissions made by rival parties, the matter is reserved for orders.

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Case No.	Name of the Petitioner(s)	Name of the Respondent(s)
O. P. No. 38 of 2020	M/s. Sri Ambika Steel Industries	TSSPDCL & its officers

Petition filed seeking penal action against the TSSPDCL and its officers for non-compliance of the directions given in the order dated 09.09.2021 by the Commission.

Sri Mohammad Bande Ali, Law Attachee for respondents is present. There is no representation for petitioner. The representative of the respondents stated that appeal has been filed before the Hon'ble ATE and the Hon'ble ATE was pleased to observe on the basis of the concession made by the DISCOM that the bills shall be raised, but shall not press for disconnection of the supply by the DISCOM. In view of the filing of the appeal, the matter is adjourned.

Call on 02.05.2022 at 11.30 A.M.

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Case No.	Name of the Petitioner(s)	Name of the Respondent(s)
R. P. (SR) No. 93 of 2021 in O. P. No. 14 of 2020 & I. A. (SR) No. 94 of Of 2021	M/s. Ramky Enviro Engineers Ltd.	TSSPDCL

Review petition seeking to review of the order dated 18.04.2020 in O. P. No. 14 of 2020 (suo motu) regarding determination of generic tariff for RDF projects.

I. A. filed seeking condonation of delay in filing the review petition. Sri Avinash Desai, Advocate for the review petitioner along with Sri Matrugupta Mishra, Advocate are present. The counsel for review petitioner stated that the respondent in the original petition has filed its counter affidavit in O. P. No. 1 of 2022 and stated that the review petition is pending, therefore, a rejoinder is to be filed in the said petition. As such, this matter may be adjourned by three weeks. It may be taken up with the O. P. No. 1 of 2022. Accordingly, the matter is adjourned.

Call on 02.05.2022 at 11.30 A.M.

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Chairman

Case No.	Name of the Petitioner(s)	Name of the Respondent(s)
O. P. No. 1 of 2022 & I. A. No. 1 of Of 2022	M/s. Hyderabad MSW Energy Solutions Pvt. Ltd.	TSSPDCL

Petition seeking to quash notice dated 16.07.2021 issued by the respondent seeking reimbursement of the tipping fee from the petitioner.

I. A. filed seeking ex parte adinterim stay of the operation of the notice dated 16.07.2021 issued by the respondent seeking reimbursement of the tipping fee from the petitioner.

Sri Avinash Desai, Advocate for petitioner along with Sri Matrugupta Mishra, Advocate and Sri Mohammad Bande Ali, Law Attachee for respondent are present. The counsel for petitioner stated that the respondent has filed counter affidavit in this petition and stated that a review petition is pending, therefore, a rejoinder is to be filed in this petition. As such, this matter may be adjourned by three weeks. It may be taken up with the R. P. (SR) No. 94 of 2022. Accordingly, the matter is adjourned.

Call on 02.05.2022 at 11.30 A.M.

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Case No.	Name of the Petitioner(s)	Name of the Respondent(s)
O. P. No. 24 of 2022 & I. A. No. 13 of 0f 2022	Sri Palabtla Shiva Kumar	AE (Operation) Farooq Nagar, TSSPDCL & its officers

Petition seeking to punish the respondents for non-compliance of the interim order dated 01.12.2021 in Appeal No. 26 of 2021 passed by the Vidyut Ombudsman.

I. A. filed seeking to release power supply under domestic category against the NR 5152148494 dated 26.09.2021 in compliance of interim order dt. 01.12.2021 in Appeal No. 26 of 2021 passed by V. O.

Sri Nataraj, Advocate for the petitioner and Sri Mohammad Bande Ali, Law Attachee for respondent are present. The counsel for petitioner stated that the petition is filed for implementation of the order of the Vidyut Ombudsman. The petitioner has also filed an interlocutory application for interim orders for release of power supply to the domestic connection. The representative of the respondents has opposed the same and stated that as the counter affidavit is already filed in the main petition, the main matter itself may be taken up for hearing. At this stage, the counsel for petitioner stated that he needs time to file rejoinder to the counter affidavit in the main matter. However, the Commission may consider hearing the application for interim orders. The Commission felt that the matter can be heard and disposed of finally and as such, time is granted for filing rejoinder. The counsel for petitioner also referred to order passed by the Vidyut Ombudsman along with the provision under Business Regulation, which provides for compliance of the interim order passed by any authority. Since the matter pertains to implementation of the order of the Ombudsman, the matter is adjourned by one week.

Call on 18.04.2022 at 11.30 A.M.

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