

Record of proceedings dated 09.09.2024

Case No.	Name of the Petitioner(s)	Name of the Respondent(s)
O. P. No. 2 of 2016	M/s Ultra Tech Cement Ltd.	TGSPDCL & its officers

Petition filed questioning the action of DISCOM in not implementing the order of the CGRF and to punish the licensee under section 142 of the Act, 2003.

Sri. Deepak Chowdary, Advocate representing Sri. Challa Gunaranjan, Counsel for petitioner and Sri. Mohammad Bande Ali, Law Attaché being the representative of the respondents have appeared in the matter. The advocate representing the counsel for petitioner stated that efforts are being made to get the matter listed however as the matter is pending before the superior fora long date may be considered. The representative of the respondents agreed with the submission. Accordingly, the matter is adjourned without any date.

Sd/-
Member

Sd/-
Member

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Chairman

Case No.	Name of the Petitioner(s)	Name of the Respondent(s)
O. P. No. 21 of 2016	Sri Akther Ahmed	CGRF-2, ADE (O) Shamshabad, TGSPDCL, DE (O) & SE (O) TGSPDCL

Petition filed questioning the action of DISCOM in not implementing the order of the CGRF and to punish the licensee U/s 142 of the Act, 2003.

Sri. Mohammad Bande Ali, Law Attaché being the representative of the respondents has appeared in the matter. There is no representation for the petitioner. The representative of the respondents stated that efforts are being made to get the matter listed however as the matter is pending before the superior fora long date may be considered. Accordingly, the matter is adjourned without any date.

Sd/-
Member

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Member

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Chairman

Case No.	Name of the Petitioner(s)	Name of the Respondent(s)
O. P. No. 27 of 2016	M/s. Sugna Metals Limited	DE (O) Vikarabad TGSPDCL & its officers

Petition filed questioning the action of DISCOM in not implementing the order of the CGRF and to punish the licensee U/s 142 of the Act, 2003.

Sri. Mohammad Bande Ali, Law Attaché being the representative of the respondents has appeared in the matter. There is no representation for the petitioner. The representative of the respondents stated that efforts are being made to get the

matter listed however as the matter is pending before the superior fora long date may be considered. Accordingly, the matter is adjourned without any date.

Sd/-
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Member

Sd/-
Chairman

Case No.	Name of the Petitioner(s)	Name of the Respondent(s)
O. P. No. 28 of 2022	M/s. Sri Sai Ram Ice Factory	TGSPDCL & its officers

Petition filed seeking refund of the amounts paid towards electricity charges and punishing the respondents for non-compliance of the order of the Vidyuth Ombudsman.

Sri. Mohammad Bande Ali, Law Attaché being the representative of the respondents has appeared in the matter. There is no representation for the petitioner. The representative of the respondents stated that efforts are being made to get the matter listed however as the matter is pending before the superior fora long date may be considered. Accordingly, the matter is adjourned without any date.

Sd/-
Member

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Member

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Chairman

Case No.	Name of the Petitioner(s)	Name of the Respondent(s)
O. P. No.59 of 2018	TGDISCOMs	APGENCO, APTRANSCO, APEPDCL & APSPDCL

Petition filed seeking certain directions to APGENCO and APDISCOMs.

Sri. Mohammad Bande Ali, Law Attaché being the representative of the petitioners has appeared in the matter. There is no representation for the respondents. The representative of the petitioners stated that the matter is under the negotiation between both the states and efforts are being made to settle the issue. The matter may be adjourned to a longer date and upon the next date of hearing he will report on the status of the negotiation in the matter.

Call on 11.11.2024 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.10 of 2024	M/s MADHUCON SUGARS & POWER INDUSTRIES LTD.	TGTRANSCO & its Officers

Petition filed seeking adjudication of a dispute in relation to the claims of line and bay maintenance charges imposed on the petitioner.

Sri Deepak Chowdary, Advocate for petitioner and Sri. Mohammad Bande Ali, Law Attaché being the representative of the respondents have appeared in the matter. The advocate representing the counsel for the petitioner stated that respondents have filed counter affidavit in the matter, and he needs time to file rejoinder if any. The representative of the respondents confirmed the filing of the counter affidavit and has no objection for adjournment of the matter. Accordingly, the matter is adjourned. The counsel for petitioner may file the rejoinder on or before the next date of hearing.

Call on 04.10.2024 at 11.30 A.M.

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Chairman

Case No.	Name of the Petitioner(s)	Name of the Respondent(s)
R. P. No. 2 of 2024 in O. P. No. 22 of 2023 (Suo Motu)	M/s. Sri Luxmi Tulsi Agro Paper (P) Limited	TGSLDC

Review petition filed seeking review the order dated 27.03.2024 in O. P. No. 22 of 2023 (suo motu) passed by the Commission.

Sri. Deepak Chowdary, Advocate representing Sri. Challa Gunaranjan, Counsel for petitioner and Sri. Mohammad Bande Ali, Law Attaché being the representative of the respondents have appeared in the matter. The advocate representing the counsel for petitioner stated that office has directed filing of interlocutory application for condoning the delay in filing the review petition. Steps have been taken to do so but it is not yet filed, and he needs time to file the same. The representative of the respondent has no objection. Accordingly, as per the request of Advocate representing the counsel for petitioner, the matter is adjourned.

Call on 04.10.2024 at 11.30 A.M.

Sd/-
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Member

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Chairman

Case No.	Name of the Petitioner(s)	Name of the Respondent(s)
R. P. No. 3 of 2024 In O. P. No. 2 of 2024	TGTRANSCO	-None-

Review Petition filed seeking review of the order passed in O. P. No. 2 of 2024 in the matter of annual performance review (true up) for FY 2022-23 of transmission business of TGTRANSCO.

Sri. T. Durga Prasad, Divisional Engineer, Sub-stations, TGTRANSCO along with Mrs. B. Kavitha, Assistant Divisional Engineer, sub-stations, TGTRANSCO being representatives of the petitioner and Sri. Mohammad Bande Ali, Law Attaché being the representative of the respondents have appeared in the matter. The representatives of the petitioner explained the issue involved in the review petition. It is their case that income tax as paid by them is not taken into account while deciding the annual performance petition by the Commission. Infact, the petitioner has filed income details but did not highlight the aspect. Moreover, the petitioner had paid minimum alternate tax under section 115JB of the Income Tax Act, 1961. The said figure has to be taken into account in the annual performance review and consider the revised figures for approval. The representatives of the respondent state that they have filed a counter affidavit considering the said aspect. In view of the submission of the party the matter is reserved.

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Chairman

Case No.	Name of the Petitioner(s)	Name of the Respondent(s)
O. P. SR. No. 50 / 2024 & I.A SR. No 51 & 52 of 2024	DUNDIGAL WASTE TO ENERGY	TGSPDCL

Seeking determination of project specified tariff for supply of electricity from its 14.5 MW capacity refused derived fuel (RFD) based waste to energy (WTE) Plant

Sri. Matrugupta Mishra Counsel for the petitioner along with Sri. Nipun Dave, Advocate appeared for the petitioner. The counsel for the petitioner stated that the matter is posted for admission on maintainability. It is stated that the plant has been synchronized to the grid on 01.03.2024 and regularly injecting energy from 03.03.2024. prior to synchronization the petitioner has entered into PPA on 14.02.2024.

This project has been established out of the recommendations of the standing committee on environment in terms of the policies of the government including the tariff policy of the Ministry of Power, Government of India. The petitioner's project has been completely bank rolled with a heavy component of loan. The petitioner is running the plant on RDF which is fuel for the project. The Commission had determined generic tariff for the control period of 01.04.2020 to 31.03.2024 by order dated 18.04.2020. The petitioner is entitled to the generic tariff. The Commission had determined the generic tariff for RDF based projects only and not for MSW projects. Therefore, the petitioner is entitled to the tariff determined by the Commission.

The petitioner has been injecting energy into the grid from the date of synchronization. It is entitled to interim tariff pending finalization of the tariff for the project by the Commission. Since, PPA is already entered, the petitioner is before the Commission seeking to obtain orders for tariff payable by the respondents. It is the case of petitioner that as the PPA provided for tariff to be determined by the Commission, the petitioner has no other alternative except to obtain orders of the Commission towards tariff. Also, as the PPA has already been entered the respondents is bound to honour the PPA and provisions made there of towards tariff payment for the energy delivered.

The petitioner sought to state that the project is conceived with reference to environmental issues and meeting had been taken by the GHMC on the issues being confronted by the project. To that effect it has relied on the minutes of the meeting conducted by the Greater Hyderabad Municipal Corporation. The petitioner also relied on the letter issued by the GHMC with regards to the project, as also the agreement entered between the TGREDCO and petitioner.

The petitioner relied on Central Electricity Regulatory Commission notified tariff regulation of 2024 for proposing the tariff as there is no tariff generically decided by the Commission subsequent to 01.04.2024. As the petitioner is injecting energy, for the present Commission may consider granting interim order at the existing tariff as on date of synchronization till the Commission decides the matter finally after due process of law and after due public consultation and examination of the parameters of the project.

The Commission pointed out that earlier it has refused to determine tariff where the PPA has not been approved by it in one or two instances. As such the case of the petitioner cannot be considered as the PPA is yet to be consented by the Commission. The petitioner stated that the project is based on bank funding, and it has to make payment for the loans availed. The Commission would be protecting its interest by granting the interim order in favour of petitioner to offset the financial difficulties faced by it.

The Commission also pointed out that the issue of fuel is not yet finalized and the commission is awaiting a report from the licensee towards its statement that the fuel being employed is MSW and not RDF. After receipt of the licensee's views, the PPA will be considered, and the matter will be taken up for consent. The petitioner pointed out that the issue of fuel and other parameters would come for consideration during the determination of tariff and not at this stage hence the Commission may consider the tariff petition and interim order to protect the interest of the petitioner.

Having heard the submission of the counsels of the petitioner the matter is reserved for orders.

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Chairman

Case No.	Name of the Petitioner(s)	Name of the Respondent(s)
R. P. SR. No. 53 / 2024 in O. P. No. 4 of 2024	TS DISCOMS	SCCL

Review petition filed against order Dt. 28-06-2024 in O.P No. 4 of 2024 regarding order on MYT tariff on SCCL.

Sri. Mohammad Bande Ali, Law Attaché being the representative of the petitioner along with Sri. H.T. Vivekananda, Superintending Engineer TGPC, K. Vijay Kumar Divisional Engineer, TGPC, P. Sowjanya, Assistant Divisional Engineer, TGPC, B. Sandhya Rani, Assistant Engineer, TGPC, N. Malathi, Assistant Divisional Engineer, TGSPDCL, Swetha, Assistant Engineer and Eshwardas Divisional Engineer, TGSPDCL being representatives of the petitioner have appeared in the matter. The representatives of the review petitioner stated that the Commission has considered the MYT filing of M/s Singareni Collieries Company Limited towards its generating plant of 2 x 600 MW power plant while doing so did not consider the

aspect of premium on coal which was decided in favour of the review petitioner in O. P. No. 13 of 2023. The said issue is causing hinderance to the review petitioners. Since the Commission has taken view in earlier matter some other Commission may consider revisiting the order to facilitate incorporation of the findings in the matter of petition filed by the TGDISCOMS in O. P. No. 13 of 2023 in the matter of MYT petition of M/s. SCCL. Thus, the Commission would be bringing uniformity in the matter.

Having considered submissions of the representatives of the review petitioner. The Commission reserved the matter for orders.

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