

Record of Proceedings dated 30.07.2025

O. P. No. 49 of 2025

AND

I. A. No. 21 and 22 of 2025

M/s. BVM Energy and Residency Private Limited

AND

TGSLDC & Others

Heard Mr. Deepak Chowdary and Mr. M. Sridhar, learned counsel for the petitioner and Mr. N. Sreedhar Reddy, learned counsel representing the respondent, TGSLDC.

The petitioner has filed main O. P. seeking to declare that the petitioner is entitled for the incentive as per clause 11 (e) of the Telangana Solar Power Policy, 2015 and to declare that the methodology adopted by the respondents for arriving at the alleged deviation charges is contrary to the TGERC (Forecasting, Scheduling, Deviation Settlement and related Matters for Solar and Wind Generation) Regulation No. 3 of 2018, consequently to set aside invoices dated 03.08.2024, 20.09.2024, 24.04.2025, 01.05.2025, 17.05.2025, 24.05.2025, 26.05.2025, 27.05.2025, 28.05.2025, 29.05.2025, 30.05.2025, 31.05.2025 and 11.06.2025.

It is submitted by the learned counsel for the petitioner that the petitioner plant was commissioned as per the Telangana Solar Policy 2015, according to which the plant was granted the status of "Must-Run", and energy injection is deemed as scheduled, hence the deviation charges under Regulation No. 3 of 2018 shall not be levied on the petitioner.

The learned counsel for the petitioner has further submitted that even otherwise the impugned demand invoices were arrived at contrary to the Regulation No. 3 of 2018 and Procedure for Implementation of the Framework on Forecasting, Scheduling, Deviation Settlement and Related Matters for Solar and Wind Generation Sources.

It is also the submission of the learned counsel for the petitioner that the DSM procedure mandates the 1st respondent to calculate the net RE deviation and actual

commercial impact at the state periphery in reference to “interstate transmission and collective transactions” which use the state periphery for incoming supply of energy or outgoing supply of energy. Thereby as per clause 11 of the DSM procedure, the charges in view of actual commercial impact would not be applicable to the petitioner, as the petitioner generates and supplies the power only to intrastate entities and does not use state periphery for supply of power.

It is further submitted that the petitioner is not aware as to whether the 2nd respondent has de-pooled the alleged deviation at pooling station as required at 19.1. It is also submitted by the learned counsel for the petitioner that even during the period of unscheduled shutdown of the grid for maintenance at PSS level and even when the generator was asked to reduce or stoppage of the generation, still the petitioner has treated the said period as deviation from the schedule and penalty was levied. It is further submitted that the respondent no. 1 has not provided any data on the actual commercial impact or details at deviation at pooling station or sub-stations within the state and thereby the calculation arrived at in the invoices is baseless and arbitrary.

It is further submitted by the learned counsel for the petitioner that the petitioner has submitted a representation dated 17.06.2025 to the 1st respondent requesting to clarify as to how the calculations were made, in arriving at the deviations and drawing of the impugned invoices. When there was no response from the 1st respondent, the petitioner has approached the Hon'ble High Court and filed W. P. No. 18007 of 2025 which was disposed of at the admission stage itself by the Hon'ble High Court on 26.06.2025 with a direction to the 1st respondent to consider the representation of the petitioner dated 17.06.2025 and pass appropriate orders duly providing an opportunity of hearing to the petitioner in accordance with law within a period of three weeks from the date of receipt of the copy of the order. The Hon'ble High Court has further directed that till such time and further period of one week thereafter, the respondent shall not take any coercive steps against the petitioner including stoppage of dispatch of power supply.

Mr. N. Sreedhar Reddy, learned counsel representing the respondent no. 1 / TGSLDC has submitted that the Regulation No. 3 of 2018 overwrites the Telangana Solar Power Policy, 2015 and that the petitioner was explained number of times by

the officers of the respondent no. 1 in respect of the methodology being followed in arriving at the invoices for violation of schedules and that all the invoices are raised strictly by following the procedures contemplated under Regulation No. 3 of 2018 and Procedure for Implementation of the Framework on Forecasting, Scheduling, Deviation Settlement and Related Matters for Solar and Wind Generation Sources which is notified on 30.11.2022 and thereby all the impugned invoices stands good and that the petitioner is bound to pay the same. It is also submitted that with regard to calculations made by the 1st respondent in arriving at the deviation of the schedules and charges mentioned in the invoices, the respondent no. 1 will file the detailed counter shortly.

The impugned invoices shows the details of deviation charges at PSS level and also actual commercial impact for the state as a result of deviation are shown separately. However, on account of non-payment of deviation charges at PSS level and change of actual commercial impact for the state as a result of deviation, the respondent no. 1 has levied interest on arrears. This interest is calculated together for delay in payment of deviation charges at PSS level and actual commercial impact for the state.

Accordingly, this Commission is constrained to pass the following order:

“The petitioner is directed to pay 25% of the impugned invoices dated 03.08.2024, 20.09.2024, 24.04.2025, 01.05.2025, 17.05.2025, 24.05.2025, 26.05.2025, 27.05.2025, 28.05.2025, 29.05.2025, 30.05.2025, 31.05.2025 and 11.06.2025 of which petitioner shall pay the demand notices for April-2025 and May-2025 immediately and are permitted to pay 25% of the arrears within two weeks from the date of this order. On making of such payment, the respondent is directed not to take any coercive action including disconnection of power or stoppage of dispatch of power supply until the next date of hearing.”

List the matter on 09.09.2025.

Sd/-
Member (F)

Sd/-
Member (T)

Sd/-
Chairman