

Objections against ARR, FPT & CSS petitions of TSDISCOMS for FY 2023-24 (O.P. Nos. 80 & 81 of 2022)

1 message

I.Gopinath <ceo@sicma.in>

31 January 2023 at 14:33

To: secy@tserc.gov.in

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The Secretary**Telangana State Electricity Regulatory Commission,****5th Floor, Singareni Bhavan, Red Hills,
Hyderabad – 500004, Telangana**

Dear Sir,

We write with reference to the Public Notices issued in the matter of ARR, FPT and CSS proposals for FY 2023-2024, filed before the Hon'ble TSPERC by TSSPDCL & TSNPDCL (OP nos. 80 and 81 of 2022).

On behalf of the South Indian Cement Manufacturers' Association, we are filing herewith a soft copy of our Statement of Objections along with an Annexure against the aforesaid filings of the two TSDISCOMS. We are also sending to your office hardcopies of the same in four sets.




It is prayed that the Hon'ble Commission may consider the submissions & objections made by us and permit our consultants, M/s Mercados Energy Markets Pvt Ltd., to participate, make additional submissions and produce additional details/documentations during the course of the scheduled hearings in the matter, in the interest of justice and equity.

Yours faithfully,

I.Gopinath**Chief Executive Officer****South Indian Cement Manufacturers' Association****Copy to:** CGM (RAC), TSSPDCL, Corporate Office, Hyderabad - 500063**Copy to:** CGM (IPC & RAC), TSNPDCL, Viduth Bhavan, Hanamkonda - 506001**SOUTH INDIAN CEMENT MANUFACTURERS' ASSOCIATION**

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5 attachments **SICMA's Objections in O.P. Nos. 80 and 81 2022 before Hon'ble TSERC.pdf**
470K **Annexure-I.pdf**
201K **Annexure-II A.pdf**
5353K **Annexure-II B.pdf**
2275K **Annexure-II C.pdf**
4422K



South Indian Cement Manufacturers' Association

**Statement of Objections
on
Petitions for Determination of
Aggregate Revenue Requirement for Retail Supply Business
and Tariff for Retail Sale of Electricity
for the Financial Year 2023-24**

filed by the
**Southern Power Distribution Company of Telangana Ltd
(TSSPDCL) OP NO. 80 of 2022**
&
**Northern Power Distribution Company of Telangana Ltd
(TSNPDCL) OP NO. 81 of 2022**

as the
Distribution and Retail Supply Licensee

January, 2023

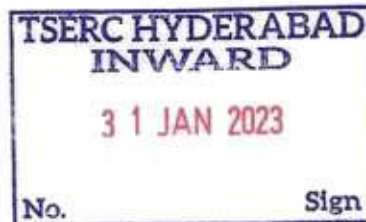


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THE STATEMENT OF OBJECTIONS BY THE OBJECTOR

1 STATEMENT OF OBJECTIONS

The Distribution Licensees namely Southern Power Distribution Company of Telangana Limited and Northern Power Distribution Company of Telangana Limited (hereinafter referred to as the '**Discoms**' or '**TS Discoms**' or '**Petitioners**' or '**distribution companies**' or '**Licensees**') have filed the Petitions for the determination of the Aggregate Revenue Requirement (ARR) for the Retail Supply Business for the year FY 2023-24 in accordance with the erstwhile Andhra Pradesh Electricity Regulatory Commission (Terms and Conditions for Determination of Tariff for Wheeling and Retail Sale of Electricity) Regulation No.4 of 2005 and its First Amendment notified in 2014 namely Regulation No. 1 of 2014 (hereinafter collectively referred to as 'Tariff Regulations').

The Statement of Objections is herein being filed on behalf of '**The South Indian Cement Manufacturers' Association (SICMA)**', an Association registered under the Telangana Societies Registration Act 2001 at Hyderabad, its members being major Cement Manufacturers across South India (hereinafter called the 'Objector'). The main function of SICMA is to promote and protect the interests of its members in relation to the commerce & industries of India and in particular, the commerce & industries connected with cement. The members of the association are availing power supply from the licensees across the State of Andhra Pradesh, predominantly at 132/220 KV voltage and few of them avail supply at 33 KV voltage.

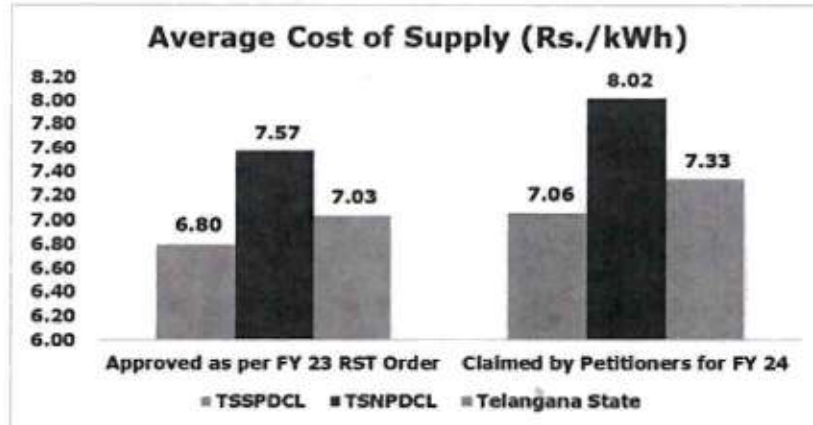
The South Indian Cement Manufacturers' Association (Objector) strongly objects to the Filing of the ARR for the Retail Supply Business for FY 2022-2023 respectively (herein after referred to as the '**Tariff Petitions**' or '**Petitions**') and prays that the submissions and objections made herein may be accepted and approved by the Hon'ble Commission, in the interest of justice and equity.

The Objector also prays that it may be permitted to make additional submissions specific to these Petitions, in the Public Hearings as per the Public Hearing schedule announced by this Hon'ble Commission.

The brief facts, propositions, analysis, grounds and point wise objections to the Petitions are narrated herein below:

2 AVERAGE COST OF SUPPLY (2022-23 VS 2023-24)

- i. In the instant Petitions, Licensees have projected a higher average cost of service than the approved in last Retail Supply order for the FY 2022-23. A comparison of the Average Cost of Supply (ACoS) claimed against that approved by Hon'ble Commission in the FY 2022-23 and also the provisional data for FY 2023-24 is shown below:



- ii. It is humbly pointed out from the charts that Licensees have projected an increase of around 4-6 % in the Average Cost of Supply (ACoS) for FY 2023-24 over the approved figure for FY 2022-23 respectively.

3 AGGREGATE REVENUE REQUIREMENT (ARR) CLAIMED BY TELANGANA DISCOMS FOR FY 2023-24

- i. The TSSPDCL and TSNPDCL has projected an Annual Revenue Requirement of Rs. 36,963.20 Crores and Rs. 17,095.16 Crores respectively for FY 2023-24. The ARR along with its treatment proposed by the TSSPDCL and TSNPDCL is provided in the table below:

ARR CLAIMED BY PETITIONERS FOR FY 2023-24

(All figures in Rs. Crores)

Particulars	TSSPDCL	TSNPDCL	TOTAL
Transmission Cost	2,670.27	1,126.29	3,796.56
SLDC Cost	32.81	13.69	46.50
Distribution Cost	5,168.36	4,081.42	9,249.78
PGCIL & ULDC Expenses	1,081.98	451.19	1,533.17
Network and SLDC Cost (A)	8,953.42	5,672.60	14,626.02
Power Purchase / Procurement Cost	27,654.99	11,310.21	38,965.20
Interest on Consumer Security Deposits	311.96	81.08	393.04
Supply Margin in Retail Supply Business	42.83	31.27	74.10
Other Costs if any	-	-	-
Supply Cost (B)	28,009.78	11,422.56	39,432.34
Aggregate Revenue Requirement (A+B)	36,963.20	17,095.16	54,058.35
Non-Tariff Income	28.18	33.81	61.98
Net Revenue Requirement	36,935.02	17,061.35	53,996.37
Total Revenue	33,724.37	9,737.70	43,462.07
Revenue at Existing Tariffs (without considering the Government subsidy u/s 65 of the Electricity Act, 2003)	33,521.34	9,737.70	43,259.04
Revenue from Cross Subsidy Surcharge	100.80	-	100.80
Revenue from Additional Surcharge	102.23	-	102.23
Revenue Deficit(-)/Surplus(+) at Current Tariffs	-3,210.64	-7,323.65	-10,534.30
Government Subsidy u/s 65 of the Electricity Act, 2003	-	-	-
Net gap - Deficit(-)/Surplus(+)	-3,210.64	-7,323.65	-10,534.30

- ii. The Objections in respect of the ARR projected by the Petitioners for FY 2023-24 are summarised below:

4 SALES PROJECTIONS

- i. The Petitioners, in the instant petitions have escalated sales quantum for HT-IV (A) Lift Irrigation & Agriculture at 132 kV for FY 2023-24 by 108%-298% against over the estimated values of FY 2022-23:

TSSPDCL	FY 22	FY 23	FY 24
HT Category at 132 KV	Actuals	Estimates	Estimates
HT-IV A Lift Irrigation & Agriculture (MUs)	1877.73	1821.45	3786.40
Percentage Increase (%)		-3%	108%

TSNPDCL	FY 22	FY 23	FY 24
HT Category at 132 KV	Actuals	Estimates	Estimates
HT-IV A Lift Irrigation & Agriculture (MUs)	1792.65	932.08	3712.74
Percentage Increase (%)		-48%	298%

- ii. The Petitioners have submitted that the reason for such increase is as follows:

"Lift Irrigation (LI) Schemes: The Telangana government has initiated the ambitious Kaleshwaram lift irrigation project along with the existing ones, to meet the needs of the agriculture consumers in the State. The growth trend in this category has many variations due to variations in the operation of Lift Irrigation pumps based on rainfall, water levels in reservoirs, etc. The sales in H1 of FY22-23 recorded a negative growth rate due to heavy rains in monsoon period. Further, due to heavy floods in August month the LIS pumps are not operated in H1 of FY 2022-23. Licensee has considered the expected additional loads and energy requirement for FY 2023-24 based on the information received from the I&CAD, which was further duly analyzed and moderated considering the licensee's experience of the historical consumption along with other allied factors."

- iii. However, it is submitted that the project status of Kaleshwaram lift irrigation project is uncertain and that the high projections made by the Petitioners for Lift Irrigation category are highly optimistic. This can be inferred from several articles in LiveLaw and Hindustan Times that there is uncertainty regarding the fate of the Kaleshwaram lift irrigation project. The same have been annexed herewith as Annexure-II.

- iv. Therefore, the Objector has recomputed the power purchase requirement for FY 2023-24 by considering the actuals sales corresponding to HT IV (A) category in FY 2021-22:

Power Purchase Requirement (MUs) for FY 2023-24 as per Objector		
Particulars	TSSPDCL	TSNPDCL
Total Sales, MU	50,444.21	19,345.26
Sales (LT, 11kV, 33kV) (MU)	42,049.43	16,213.63
EHT Sales (MU)	8,394.78	3,131.63
Total Losses, MU	6,593.90	2,752.89
Distribution System Losses (MU)	4,478.42	1,927.25
Transmission System Losses (MU)	2,115.49	825.63
Total Losses, (%)	11.56	12.46
Transmission Losses (%)	3.71	3.74
Distribution System Losses (%)	9.63	10.62
Input to Distribution System	46,527.85	18,140.88
Power Purchase Requirement (MU)	57,038.11	22,098.15

5 POWER PURCHASE COST

A. TSGENCO Thermal Power Stations:

- i. It is submitted that the fixed cost recovery of thermal generating stations is based on the availability declared by them i.e. Plant Availability Factor (PAF).
- ii. The latest TSGENCO Tariff Order for 4th control period was issued on 22.03.2022 and the Fixed Charges for FY 2023-24 has been approved subjected to normative plant availability.
- iii. The Petitioner has claimed the complete fixed charges for TSGENCO stations as approved in TSGENCO MYT order dt. 22.03.2022 without showing any linkage with plant availability nor submitted any details about the same. Further, in this regard it is important to mention that since no true-up has been conducted for TSGENCO stations after FY 2019, hence it cannot be ascertained if the actual availability of the TSGENCO stations has been up to the normative level to enable complete fixed charge recovery as approved by the Hon'ble TSERC.
- iv. Additionally, TS Discoms has considered the capacity allocation from YTPS Unit I & II for FY 2023-24. The units YTPS I and YTPS II are expected to be commissioned on 1st Dec 2023 and 1st Feb 2024. The Hon'ble commission in its TSGENCO MYT order dt. 22.03.2022 has directed the TSGENCO to submit the proposal for determination of capital cost and Tariff for YTPS. The relevant extract and directive issued from the TSGENCO MYT order dt. 22.03.2022 are reproduced below for reference:



5.3.36 The Commission has discussed capital cost and capitalisation schedule of BTPS in detail in the subsequent Chapter of this Order. However, it is to be noted that the Commission has approved the capitalisation of BTPS only from the CoD of the Station as against the submission of TSGenco. Hence, the capitalisation approved for BTPS is from FY 2020-21 against the capitalisation submitted by TSGenco for FY 2019-20. The Commission noted that TS Genco submitted the capital investment for YTPS (new station) in the Capital Investment Plan; however, TSGenco has not sought determination of capital cost & tariff for YTPS in the Petition. Therefore, the Commission has not considered the approval of capital cost for YTPS while approving the investment plan for FY 2019-20 to FY 2023-24. The Commission directs TSGenco to submit the proposal for determination of capital cost and Tariff for YTPS before its CoD as per the Regulations No.1 of 2019.

“New Directives

6. Scheme-wise Details of Capital Cost for New Stations

The Commission directs TS Genco to submit the proposal for final capital cost and revised tariff for BTPS after commissioning of the final unit. The Commission also directs TS Genco to submit the proposal for determination of capital cost and Tariff for YTPS before its CoD as per the Regulations No.1 of 2019. TS Genco shall submit the scheme-wise capitalisation for new plants, viz., KTPS-VII, BTPS and YTPS with Financial Package, Time and Cost over-run for each station along with proper quantification of the cost over-run, justification for the time over-run and Financial Package-wise undischarged liabilities as on COD of the respective plant while filing the MTR Petition.”

- v. To the best of our knowledge, the MTR filing dt. 30.11.2022 made by TSGENCO and information available on TSGENCO website do not provide any details/status about the YTPS capital cost approval and Tariff determination. Even the commissioning date of the units are in Dec' 23 and Feb' 24.
- vi. In light of the above, the Objector has not considered any power procurement (MUs) from YTPS for computation of power purchase cost for FY 2023-24.
- vii. The detailed computation of Fixed cost for TSGENCO thermal station for both discoms as per Objector's Assessment is shown below:



**Disallowance Proposed in Fixed cost of TSGENCO Thermal as per
Objector's Assessment****(All Figures in Crores)**

Particulars	TSSPDCL	TSNPDCL	Total
Petitioner's Claim	4,004.21	1,671.49	5,675.70
Objector Assessment	3,439.16	1,435.60	4,874.76
Disallowance Proposed	565.05	235.89	800.94



(All Figures in Crores)

Station	Plant Capacity	Net Availability	Normative Availability to be Considered as per Objector	Energy Dispatch	Fixed Cost approved in Tariff Order	Fixed Cost as per Petitioner	Fixed Cost as per Objector's Assessment
	MW	%	%	MU	INR Crore	INR Crore	INR Crore
TSGENCO Thermal							
KTPS D	500	73.00%	80.00%	3,197.39	381.03	381.03	347.69
KTPS Stage VI	500	74.00%	80.00%	3,250.14	517.45	517.46	478.64
RTS B	62.5	68.00%	80.00%	370.60	117.35	117.34	99.75
Kakatiya Thermal Power Plant Stage I	500	74.00%	80.00%	2,796.89	416.04	416.03	384.84
Kakatiya Thermal Power Plant Stage II	600	75.00%	80.00%	3,921.22	710.49	710.48	666.08
BTPS - unit 1	270	78.00%	80.00%	1,844.57	473.55	473.55	461.71
BTPS - unit 2	270	78.00%	80.00%	1,844.57	473.55	473.55	461.71
BTPS - unit 3	270	78.00%	80.00%	1,844.57	473.55	473.55	461.71
BTPS - unit 4	270	78.00%	80.00%	1,844.57	473.55	473.55	461.71
Yadradi - TPS - I	800	79.00%	NA	1,841.18	NA	400.80	-
Yadradi - TPS - II	800	79.00%	NA	905.50	NA	200.40	-
KTPS VII	800	81.00%	80.00%	5,659.53	1,037.97	1,037.97	1,050.94
Total TSGENCO Thermal	5642.5			29,320.74	5,074.52	5,675.70	4,874.78

B. Central Generating Stations:

- i. It is pointed out that the Hon'ble Commission has not considered any capacity allocation from NTECL Vallur TPS and NLC Tamil Nadu Power Ltd. For FY 2023-24 in line with the earlier directions of the Commission in RST Orders for FY 2017-18 and FY 2018-19. The relevant extracts from the past RST orders have been reproduced below for reference:

The Hon'ble Commission in its RST Order dt. 26.08.2017 for FY 2017-18 has stated as follows:

"3.3.17 To reduce the financial burden upon them, the Licensees submitted a requisition to GoI expressing its willingness to surrender the share of Telangana State from NTECL Vallur TPS. In view of the requisition made by the Licensees, the Commission also observes that NLC Tamil Nadu Power Ltd. is also a similar project with high cost of generation. The Commission thus directs the DISCOMs to surrender the allocated share of Telangana State in NTECL Vallur TPS and NLC Tamil Nadu Power Ltd. Hence the Commission in this Order, has not considered the energy availability from these generating stations from 01.08.2017 onwards."

(Emphasis supplied)

The Hon'ble Commission in its RST Order dt. 27.03.2018 for FY 2018-19 has stated as follows:

"3.3.18 The Commission in its Tariff Order for FY 2017-18 dated 26.08.2017 directed the DISCOMs to surrender the allocated share of Telangana State in NTECL Vallur TPS and NLC Tamil Nadu Power Ltd. and accordingly, had not considered the energy availability from these stations from 01.08.2017. The DISCOMs submitted that in response to their request for re-allocation of the share of Telangana State in NTECL Vallur TPS, there is no confirmation from the Ministry of Power, GoI to that effect. The DISCOMs also submitted that the re-allocation of the share in NLC Tamil Nadu Power Ltd. will be taken up after the re-allocation of share in NTECL Vallur TPS. The Commission observed that the DISCOMs are procuring power from NTECL Vallur TPS and NLC Tamil Nadu Power Ltd. in FY 2017-18 and have proposed in FY 2018-19 also. In light of the directions in the Tariff Order for FY 2017-18, the Commission has not considered the share allocation to Telangana State from NTECL Vallur TPS and NLC Tamil Nadu Power Ltd. for FY 2018-19."

(Emphasis supplied)

- ii. The Hon'ble Commission in its RST order dt.23.03.2022 for FY 2022-23 has approved Power Purchase as follows by disallowing any Power Procurement from NTECL Vallur TPS and NLC Tamil Nadu Power Ltd.:

Table 4-15 Power procurement cost from Central Generating Stations for FY 2022-23

Source	Claimed				Approved			
	Quantum MU	Fixed Cost Rs.crore	Variable Cost Rs.crore	Total Rs.crore	Quantum MU	Fixed Cost Rs.crore	Variable Cost Rs.crore	Total Rs.crore
Thermal								
NTPC Ramagundam Stage I & II	2683.01	188.60	600.63	879.22	2716.15	181.22	699.16	880.38
NTPC Ramagundam Stage III	721.42	57.15	182.20	239.35	729.22	53.89	184.17	238.06
NTPC Talcher TPS II	1638.93	117.79	284.28	402.07	1598.29	110.39	277.23	387.62
NTPC Simhadri Stage I	2251.89	478.57	707.56	1186.13	3672.35	356.75	1153.88	1510.63
NTPC Simhadri Stage II	1298.23	230.24	398.51	628.75	1765.35	245.11	541.91	787.02
NTPC Kudgi	1017.12	319.88	348.05	667.92	1751.40	294.24	599.31	893.55
NLC TPS II Stage I	395.60	27.08	104.54	131.63	385.93	28.10	101.99	130.09
NLC TPS II Stage II	710.07	50.12	187.82	237.95	692.64	52.26	183.21	235.47
NNTPP	402.72	68.24	88.03	156.28	392.73	78.22	85.84	164.06
TSPP Unit 1	3499.63	790.92	794.42	1585.33	3412.84	711.82	774.72	1486.54
NTECL Vallur TPS	834.63	135.00	245.48	380.48	0.00	0.00	0.00	0.00
NLC Tamil Nadu Power Ltd.	1068.60	188.57	283.77	472.34	0.00	0.00	0.00	0.00
Sub Total	16521.83	2652.18	4315.29	6967.45	17116.91	2112.01	4601.41	6713.42
Nuclear								

- iii. Despite clear past directives/methodology of the Hon'ble Commission, the TS Discoms have sought to procure power from these stations. It is humbly requested that the Hon'ble Commission may penalise the Discoms for not adhering to the directives specified.
- iv. The Objector in line with the Hon'ble Commission past followed methodology/directives has not considered any capacity allocation from these two generating stations for power purchase computation. It is prayed that the Hon'ble TSERC may do the same.

C. Interest on Pension bonds:

- i. The Petitioners i.e. TSSPDCL & TSNPDCL have claimed an amount of Rs. 972.86 Crores and Rs. 406.11 Crores respectfully towards interest on Pension bonds for FY 2023-24.
- ii. It is a set principle that pension funds have to be maintained from the contributions of the management & employees and should be used appropriately to earn interest thereon.

- iii. It is inappropriate to load the inefficiency of erstwhile APSEB in managing funds on the end consumers in the form interest on Pension Bonds.
- iv. The Hon'ble Commission in its TSGENCO MYT Order dt. 22.03.2022 has also acknowledged the same i.e. additional burden of pension bonds should be funded by the Government of Telangana. The Hon'ble Commission Directive as per order dt. 22.03.2022 in this regard is reproduced below:

"New Directives

10. Liabilities on pension bonds

The Commission directs TS Genco to extract the request of the stakeholder that the Government of Telangana shall bear the additional burden of pension bonds and communicate to the Principal Secretary, Energy, GoTS for favourable consideration."

(Emphasis supplied)
- v. Therefore, it is prayed that the claim of the Petitioners towards Interest on Pension Bonds may be disallowed and may be borne by the Government of Telangana.

D. Sale of Surplus Power:

- i. The Objector, after assessing the actual power purchase requirement for both discoms for FY 2023-24 (same has been discussed in detail in section 4 pertaining to sales projection in this report) and despatching the power in an economical manner has worked out the actual surplus/deficit (MUs) scenario for FY 2023-24.
- ii. For computation purpose following parameters discussed above are taken in consideration: i) Zero Despatch from NTECL Vallur TPS and NLC Tamil Nadu Power Ltd; ii) Zero Capacity allocation from YTPS I & II; iii) Economical Power despatch in accordance to reduced power purchase requirement.
- iii. Taking into account the above, the Objector has computed the actual overall energy scenario for FY 2023-24:

Particulars for FY 2023-24	TSSPDCL	TSNPDCL
Energy Availability (MUs)	65,750.47	28,056.71
Energy Requirement (MUs)	55,100.32	21,289.25
Surplus/deficit (MUs)	10,650.14	6,767.46
Average of MCP for FY 22 and H1 of FY 23 (Rs/kWh)	5.17	5.17
Revenue generated by Sale of Surplus Power (Rs. Crores)	5,503.19	3,496.91

iv. The Summary of Disallowances in Power Purchase Cost as per the Objector's Assessment is summarized below:

Particulars	Power Purchase Cost as per Petitioner's Claim								
	PP MU	State 2023-24 PP Cost (INR Cr.)	PP Cost (INR/kWh)	PP MU	TSSPDCL 2023-24 PP Cost (INR Cr.)	PP Cost (INR/kWh)	PP MU	TSNPDCL 2023-24 PP Cost (INR Cr.)	PP Cost (INR/kWh)
TSGENCO Thermal	29,320.74	13,418.89	4.58	20,685.78	9,467.03	4.58	8,634.96	3,951.86	4.58
TSGENCO Hydel	5,414.41	1,317.51	2.43	3,819.87	929.50	2.43	1,594.54	388.01	2.43
CGS stations	22,809.96	10,151.81	4.45	16,013.11	7,162.11	4.47	6,796.85	2,989.71	4.40
APGCL	-	-	-	-	-	-	-	-	-
IPPs (Thermal Power Tech)	2,650.58	2,207.19	8.33	1,869.99	1,557.17	8.33	780.60	650.02	8.33
NCES	11,959.28	5,187.70	4.34	8,006.78	3,574.00	4.46	3,952.50	1,613.70	4.08
Singareni I & II Thermal Power Tech	1,098.04	759.82	6.92	-	-	-	1,098.04	759.82	6.92
CSPGCL	2,630.44	1,820.21	6.92	2,630.44	1,820.21	6.92	-	-	-
Thermal Power Tech Unit II	2,009.88	783.85	3.90	-	-	-	2,009.88	783.85	3.90
Other Short Term Sources	4,814.85	1,877.79	3.90	4,814.85	1,877.79	3.90	-	-	-
D-D purchase/ sale	135.56	61.46	4.53	95.64	43.36	4.53	39.92	18.10	4.53
Interest on Pension Bonds	-	-	3.02	814.52	250.96	3.08	-814.52	-250.96	3.08
	-	1,378.97	-	-	972.86	-	-	406.11	-
Total PP Cost	82,843.75	38,965.20	4.70	58,750.98	27,654.99	4.71	24,092.77	11,310.21	4.69
Sale of Surplus Power	-	-	-	-	-	-	-	-	-
Net PP Cost	82,843.75	38,965.20	4.70	58,750.98	27,654.99	4.71	24,092.77	11,310.21	4.69

Particulars	State 2023-24			TSSPDCL 2023-24			TSNPDCL 2023-24		
	PP MU	PP Cost (INR Cr.)	PP Cost (INR/kWh)	PP MU	PP Cost (INR Cr.)	PP Cost (INR/kWh)	PP MU	PP Cost (INR Cr.)	PP Cost (INR/kWh)
TSGENCO Thermal	26,574.06	11,829.61	4.45	18,748.00	8,345.81	4.45	7826.06	3,483.81	4.45
TSGENCO Hydel	5,414.41	1,317.51	2.43	3,819.87	929.50	2.43	1,594.54	388.01	2.43
CGS stations	19,748.98	9,134.20	4.63	14,792.83	6,288.66	4.25	4,956.15	2,845.55	5.74
APGPCL	-	-	-	-	-	-	-	-	-
IPPs (Thermal Power Tech)	2,496.65	2,207.19	8.84	1,869.99	1,557.17	8.33	626.67	650.02	10.37
NCES	11,959.28	5,187.70	4.34	8,006.78	3,574.00	4.46	3,952.50	1,613.70	4.08
Singareni I & II	1,098.04	759.82	6.92	-	-	-	1,098.04	759.82	6.92
Thermal Power Tech	2,137.86	1,663.13	7.78	2,137.86	1,663.13	7.78	-	-	#DIV/0!
CSPGCL	2,009.88	783.85	3.90	-	-	-	2,009.88	783.85	3.90
Thermal Power Tech Unit II	4,814.85	1,877.79	3.90	4,814.85	1,877.79	3.90	-	-	#DIV/0!
Other Short Term Sources	135.56	61.46	4.53	95.64	43.36	4.53	39.92	18.10	4.53
D-D purchase/ sale	-	106.13	-	814.52	350.49	4.30	-814.52	-244.36	3.00
Interest on Pension Bonds	-	-	-	-	-	-	-	-	-
Total PP Cost	76,389.58	34,928.40	4.57	55,100.32	24,629.90	4.47	21,289.25	10,298.49	4.84
Sale of Surplus Power	-17,417.60	-8,999.67	-	-10,650.14	-5,502.93	5.17	-6,767.46	-3,496.75	5.17
Net PP Cost	58,971.98		4.57	44,450.18	19,126.98	4.30	14,521.79	6,801.75	4.68

<i>Particulars</i>	Disallowances in Power Purchase Cost claimed by the Petitioners as per Objector's Assessment (INR Crores)		
	State	TSSPDCL	TSNPDCCL
<i>TSGENCO Thermal</i>	-1,589.28	-1,121.22	-468.06
<i>TSGENCO Hydel</i>	-	-	-
<i>CGS stations</i>	-1,017.61	-873.45	-144.16
<i>APGPCL</i>	-	-	-
<i>IPPs</i>	-	-	-
<i>NCEs</i>	-	-	-
<i>Singareni I & II</i>	-	-	-
<i>Thermal Power Tech</i>	-157.08	-157.08	-
<i>CSPGCL</i>	-	-	-
<i>Thermal Power Tech Unit II</i>	-	-	-
<i>Other Short Term Sources</i>	-	-	-
<i>D-D purchase/ sale</i>	106.13	99.53	6.61
<i>Interest on Pension Bonds</i>	-1,378.97	-972.86	-406.11
Total PP Cost	-4,036.81	-3,025.09	-1,011.72
Sale of Surplus Power	-8,999.67	-5,502.93	-3,496.75
Net PP Cost	-13,036.48	-8,528.01	-4,508.47

- v. Hence, it is prayed that the Hon'ble Commission may allow the Power Purchase cost of Rs. 25,928.72 Crores for FY 2023-24 as per Objector's Assessment.

6 NON-TARIFF INCOME

- i. TSSPDCL and TSNPDCL have claimed NTI towards Retail Supply Business to the tune of Rs. 28.18 Crores and Rs. 33.81 Crores for FY 2023-24, respectively. It is the observation of the Objector that the Discoms have understated Non-Tariff Incomes in comparison to the figures recorded in the Audited Accounts of the Discoms.
- ii. As per the latest available Audited Accounts of Q1 & Q2 for FY 2022-23 pertaining to TSSPDCL and TSNPDCL, the NTI booked for Retail Business is Rs. 70.20 Crores and Rs. 127.33 Crores respectively which are far more than the projected NTI.
- iii. Assuming the overall NTI on the basis of the latest Audited Accounts for both Discoms, the Objector has arrived at Rs. 265.29 Crores as NTI for both Discoms for FY 2023-24 for Retail Supply Business.

Objector Assessment of Non-Tariff Income for FY 2023-24

(All Figures in Rs. Crores)

Non-Tariff Income Particulars	TSSPDCL		TSNPDCL		Total	
	Actuals H1 2022-23	Objector's Assessment 2023-24	Actuals H1 2022-23	Objector's Assessment 2023-24	Actuals H1 2022-23	Objector's Assessment 2023-24
As per accounts (A)	70.20	155.94	69.49	137.96	139.69	293.90
Projected by the Petitioner(B)	-	28.18	-	33.81	-	61.99
Balance understated by Petitioner(A-B)	-	-127.76	-	-104.15	-	-231.91

- iv. It is respectfully submitted that the Hon'ble Commission may align the Non-Tariff incomes strictly in line with the audited accounts as per Objector's Assessment and reduce it from the ARR being approved.

7 GOVERNMENT OF TELANGANA SUBSIDY

- i. The Average Cost of Supply (ACoS) as approved in the RST tariff order dt. 23.03.2022 for FY 2022-23 is Rs. 6.80/kWh for TSSPDCL and Rs. 7.57/kWh for TSNPDCL.
- ii. The Average Cost of Supply (ACoS) as computed by the Objector for FY 2023-24 is Rs. 5.61/kWh for TSSPDCL and Rs. 6.44/kWh for TSNPDCL.
- iii. Considering the actual sales to subsidised category of consumers and the average cost to serve, the cost of supplying power to subsidised categories for each discom is worked out. It is observed that there is an additional subsidy requirement of Rs. 6,018.47 Crores and Rs. 5,367.15 Crores for TSSPDCL and TSNPDCL respectively for FY 2023-24.
- iv. The computations for the same are provided in the tables below:

Subsidy requirement for TSSPDCL for FY 2023-24

Consumer Categories	Energy Sales	ACoS computed by Objector*	Cost to Serve	Projected Revenue Assessment	Subsidy Requirement
	MU	Rs./kWh	Rs. Crore	Rs. Crore	Rs. Crore
	A	B	$C = A \times B / 10$	D	$E = C - D$
LT (Domestic)	10,547.46	5.61	5,912.95	5,775.11	137.84
LT Agriculture	10,590.92	5.61	5,937.32	56.69	5,880.63
Total	21,138.39		11,850.27	5,831.80	6,018.47

Subsidy requirement for TSNPDCL for FY 2023-24

Consumer Categories	Energy Sales	ACoS computed by Objector*	Cost to Serve	Projected Revenue Assessment	Subsidy Requirement
	MU	Rs./kWh	Rs. Crore	Rs. Crore	Rs. Crore
	A	B	$C = A \times B / 10$	D	$E = C - D$
LT (Domestic)	4,234.41	6.44	2,724.85	1,999.52	725.34
LT Agriculture	7,290.39	6.44	4,691.39	49.57	4,641.81
Total	11,524.79		7,416.24	2,049.09	5,367.15

*Note: The ACoS as computed by the Objector has been provided in the forthcoming sections.

- v. The Objector humbly submits that the Hon'ble Commission may consider the shortfall of subsidy receivable from the State of Telangana for FY 2023-24 and allow the same in the instant proceedings towards the ARR for FY 2023-24 in line with the Section 65 of the Electricity Act, 2003.

8 URGENT NEED FOR CROSS SUBSIDY AND TARIFF RATIONALIZATION

- i. The Objector submits that the State Government is free to provide subsidised or free power to any class of consumers. However, it should provide full and commensurate subsidy in such cases and there is no occasion to subsidise the cost of supplying free power / subsidised power by imposing the burden on the industrial consumers through cross subsidy.
- ii. The National Tariff Policy, 2016 stipulates that the cross-subsidy levels are to be kept within the permissible range of $\pm 20\%$ of the Cost of Supply. It is submitted that the Hon'ble Appellate Tribunal for Electricity (Hon'ble APTEL or Hon'ble Tribunal) has taken cognizance of this and given the following as part of its Findings and Analysis in its Judgement dt. 18.02.2022 in Appeal No. 248 of 2018 (Annexed herewith as Annexure-I):

"27. We are inclined to record here that State Commission has miserably failed in complying with the directions passed by this Tribunal in various Judgements but also failed to implement the provisions of the Tariff Policy, 2016 which clearly mandates that:

"Clause 8.3(2)

a) Separate consumer tariff at each voltage level has to be determined in order to fulfil the mandate of Section 61(g) of the Electricity Act 2003, which is to reflect actual cost of supply;

b) Separate consumer tariff at each voltage level is required in order to ascertain the actual cross subsidies in built in a consumer's tariff;

c) Without specifying a separate consumer tariff for consumers connected at each voltage level, a progressive reduction in actual cross subsidies is not possible as the said component is not known;

d) The retail/ effective tariff or average billing rate at a particular voltage level cannot exceed more than 20% of the actual cost of supply of a distribution licensee at the said voltage level.

...

29. In the light of the foregoing paragraphs, it is clear that this Tribunal has, time and again, been consistently held that the State Commissions have to necessarily determine voltage wise tariff depending upon different category of consumers, and the principle of which has also been upheld by the Hon'ble Supreme Court in Punjab State Power Corpn. Ltd. v. Punjab State Electricity Regulatory Commission, (2015) 7 SCC 387 as stated above.

(Emphasis supplied)

- iii. Despite such clear mandate from the Hon'ble APTEL and the National Tariff Policy, 2016, the Objector submits that the tariff approved in the RST Order for FY 2022-23 dt. 23.03.2022 has increased the Cross-subsidy level % beyond the permissible range of $\pm 20\%$ as per the Tariff Policy, 2016:


TSSNPDCCL	FY 2022-23				
	Category	Sales submitted in Petition (MUs)	Revenue submitted in Petition (Rs. Crores)	ABR (Rs./kWh)	CoS approved in RST Order for FY23 (Annexure-9) (Rs./kWh)
LT Category	12,862.79	3,512.49	2.73		-
Category I (A&B) - Domestic	4,006.42	1,901.08	4.75	7.76	61%
Category II (A,B,C & D) - Non-domestic/Commercial	896.35	1,022.03	11.40	7.46	153%
Category III - Industrial	238.40	224.62	9.42	7.46	126%
Category IV (A&B) - Cottage Industries & Dhobighats	8.54	4.17	4.88	9.76	50%
Category V (A&B) - Irrigation and Agriculture	7,290.39	47.11	0.06	8.34	1%
Category VI (A & B) - Local Bodies, St. Lighting & PWS	359.88	255.68	7.10	9.74	73%
Category VII (A & B) - General Purpose	55.01	48.06	8.74	9.74	90%
Category VIII -Temporary Supply	7.68	9.60	12.49	11.65	107%
Category IX Electric Vehicle Charging Stations	0.13	0.14	10.89	-	0%
HT Category at 11 KV	2,328.96	1,792.31	7.70		-
HT-I Industry Segregated	1,023.79	982.63	9.60	9.13	105%
HT-I (B) Ferro-Alloys	-	-	-	-	-
HT-II - Others	170.28	197.53	11.60	9.55	121%
HT-III Airports, Railways and Bustations	7.69	7.79	10.13	8.25	123%
HT-IVA Lift Irrigation & Agriculture	22.69	25.43	11.21	6.27	179%
HT - IV (B) Composite P.W.S Schemes	151.52	92.71	6.12	6.27	98%
HT-VI Townships and Residential Colonies	8.62	7.59	8.81	12.22	72%
HT -VII Temporary Supply	25.34	37.49	14.80	8.55	173%
HT- VIII RESCO (Siricilla)	919.03	441.14	4.80	6.48	74%
HT-IX Electric Vehicle Charging Stations	-	-	-	10.52	-
HT Category at 33 KV	567.72	422.28	7.44		-
HT-I Industry Segregated	149.71	135.02	9.02	5.96	151%
HT-I (B) Ferro-Alloys	20.87	15.47	7.41	4.72	157%
HT-II - Others	6.72	8.55	12.73	6.67	191%
HT-III Airports, Railways and Bustations	-	-	-	-	-
HT-IVA Lift Irrigation & Agriculture	14.82	19.54	13.18	5.12	257%
HT - IV (B) Composite P.W.S Schemes	342.68	209.15	6.10	5.12	119%
HT-VI Townships and Residential Colonies	26.54	23.44	8.83	5.82	152%
HT -VII Temporary Supply	6.37	11.11	17.44	7.11	245%

TSSNPDCCL		FY 2022-23			
Category	Sales submitted in Petition (MUs)	Revenue submitted in Petition (Rs. Crores)	ABR (Rs./kWh)	CoS approved in RST Order for FY23 (Annexure-9) (Rs./kWh)	ABR/CoS (%)
HT-IX Electric Vehicle Charging Stations	-	-	-	-	-
HT Category at 132 KV	2,267.81	1,909.58	8.42	-	-
HT-I Industry Segregated & HMWSSB	675.89	490.05	7.25	5.29	137%
HT-I (B) Ferro-Alloys	-	-	-	-	-
HT-II - Others	5.53	12.42	22.48	10.50	214%
HT-III Airports, Railways and Bustations	-	-	-	-	-
HT-IVA Lift Irrigation & Agriculture	932.08	967.69	10.38	6.44	161%
HT - IV (C) Composite P.W.S Schemes	26.77	16.34	6.10	6.44	95%
HT-V (A) Railway Traction	523.11	338.70	6.47	5.30	122%
HT-V (B) HMR	-	-	-	-	-
HT-VI Townships and Residential Colonies	103.31	82.92	8.03	4.85	165%
HT -VII Temporary Supply	1.12	1.46	12.96	-	0%
HT-IX Electric Vehicle Charging Stations	-	-	-	-	-
Total	18,027.28	7,636.66	4.24	7.57	56%

TSSPDCL		FY 2022-23			
Category	Sales submitted in Petition (MUs)	Revenue submitted in Petition (Rs. Crores)	ABR (Rs./kWh)	CoS approved in RST Order for FY23 (Annexure-8) (Rs./kWh)	ABR/CoS (%)
LT Category	25,658.95	10,418.55	4.06	-	-
Category I (A&B) - Domestic	9,977.86	5,468.40	5.48	6.82	80%
Category II (A,B,C & D) - Non-domestic/Commercial	3,050.42	3,477.00	11.40	6.53	175%
Category III - Industrial	933.39	857.92	9.19	6.59	139%
Category IV (A&B) - Cottage Industries & Dhobighats	9.50	4.49	4.73	6.43	74%
Category V (A&B) - Irrigation and Agriculture	11,032.21	54.98	0.05	8.38	1%
Category VI (A & B) - Local Bodies, St. Lighting & PWS	470.19	360.10	7.66	6.40	120%
Category VII (A & B) - General Purpose	89.37	76.84	8.60	7.43	116%
Category VIII -Temporary Supply	95.70	118.54	12.39	9.31	133%
Category IX Electric Vehicle Charging Stations	0.30	0.27	8.95	6.16	145%
HT Category at 11 KV	6,570.40	6,643.99	10.11	-	-
HT-I Industry Segregated	4,189.20	4,003.72	9.56	7.64	125%
HT-I (B) Ferro-Alloys	0.41	0.35	8.58	-	0%
HT-II - Others	1,868.19	2,134.95	11.43	7.36	155%

Category	FY 2022-23				
	Sales submitted in Petition (MUs)	Revenue submitted in Petition (Rs. Crores)	ABR (Rs./kWh)	CoS approved in RST Order for FY23 (Annexure-8) (Rs./kWh)	ABR/CoS (%)
HT-III Airports, Railways and Bustations	4.66	4.83	10.38	7.19	144%
HT-IVA Lift Irrigation & Agriculture	40.28	33.61	8.34	6.38	131%
HT - IV (B) Composite P.W.S Schemes	142.17	87.08	6.12	6.38	96%
HT-VI Townships and Residential Colonies	174.38	153.60	8.81	8.13	108%
HT -VII Temporary Supply	146.10	222.66	15.24	8.55	178%
HT- VIII RESCO (Siricilla)	-	-	-	-	-
HT-IX Electric Vehicle Charging Stations	5.02	3.19	6.36	9.50	67%
HT Category at 33 KV	7,499.69	6,618.43	8.82		
HT-I Industry Segregated	5,960.88	5,199.72	8.72	5.76	151%
HT-I (B) Ferro-Alloys	54.86	43.58	7.94	4.57	174%
HT-II - Others	1,042.40	1,038.55	9.96	5.92	168%
HT-III Airports, Railways and Bustations	-	-	-	-	-
HT-IVA Lift Irrigation & Agriculture	15.18	16.83	11.09	5.53	201%
HT - IV (B) Composite P.W.S Schemes	263.89	161.03	6.10	5.53	110%
HT-VI Townships and Residential Colonies	121.46	103.36	8.51	5.78	147%
HT -VII Temporary Supply	41.03	55.36	13.49	5.84	231%
HT-IX Electric Vehicle Charging Stations	-	-	-	-	-
HT Category at 132 KV	7,245.29	5,308.14	7.33		
HT-I Industry Segregated & HMWSSB	4,205.45	3,086.48	7.34	5.01	146%
HT-I (B) Ferro-Alloys	229.55	183.70	8.00	4.34	184%
HT-II - Others	45.91	44.94	9.79	5.25	186%
HT-III Airports, Railways and Bustations	54.20	47.24	8.72	4.11	212%
HT-IVA Lift Irrigation & Agriculture	1,821.45	1,399.91	7.69	5.76	133%
HT - IV (C) Composite P.W.S Schemes	268.84	164.00	6.10	5.76	106%
HT-V (A) Railway Traction	527.97	317.91	6.02	5.07	119%
HT-V (B) HMR	91.93	63.96	6.96	4.73	147%
HT-VI Townships and Residential Colonies	-	-	-	-	-
HT -VII Temporary Supply	-	-	-	-	-
HT-IX Electric Vehicle Charging Stations	-	-	-	-	-
Total	46,974.33	28,989.11	6.17	6.80	91%

(The orange-highlighted cells indicate the instances where the Average Billing Rate (as submitted in the instant petitions) due to tariff approved in RST Order dt. 23.03.2022, is less than the permissible 80% of the Cost of Supply approved for that category in RST Order dt. 23.03.2022. The pink-highlighted cells indicate the instances where the Average Billing Rate (as submitted in the instant petitions) due to tariff approved in RST Order dt. 23.03.2022, is greater than the permissible 120% of the Cost of Supply approved for that category in RST Order dt. 23.03.2022.

- iv. The Petitioner has proposed to continue with the same tariff as was approved in the RST Order dt. 23.03.2022, with minor modifications for certain categories.
 - v. The Objector has already demonstrated that such tariff determined is not in accordance to the Hon'ble APTEL's Judgement dt. 18.02.2022 in Appeal No. 248 of 2018, the National Tariff Policy, 2016, and in turn, the Electricity Act, 2003.
 - vi. Therefore, the Objector prays that the Hon'ble TSERC may rationalize, revise, and approve the tariff schedule such that the tariff determined for each category does not exceed more than 20% of the actual cost of supply of a distribution licensee at the said voltage level, in strict accordance to the Hon'ble APTEL's Judgement dt. 18.02.2022 in Appeal No. 248 of 2018, the National Tariff Policy, 2016, and in turn, the Electricity Act, 2003.
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9 SUMMARY OF OBJECTOR'S ASSESSMENT OF ALLOWABLE ARR FOR FY 2023-24

- i. The ARR as per Objector's assessment vs Petitioner's submission are provided below:

Summary of ARR for TSSPDCL for FY 2023-24

(All figures in Rs. Crores)

Particulars	Petitioner's Claim	Objector's Assessment	Disallowance
Transmission Cost	2,670.27	2,670.27	-
SLDC Cost	32.81	32.81	-
Distribution Cost	5,168.36	5,168.36	-
PGCIL & ULDC Expenses	1,081.98	1,081.98	-
Network and SLDC Cost (A)	8,953.42	8,953.42	-
Power Purchase / Procurement Cost	27,654.99	19,126.98	8,528.01
Interest on Consumer Security Deposits	311.96	311.96	-
Supply Margin in Retail Supply Business	42.83	42.83	-
Other Costs if any	-	-	-
Supply Cost (B)	28,009.78	19,481.76	8,528.01
Aggregate Revenue Requirement (A+B)	36,963.20	28,435.18	8,528.01
Non-Tariff Income	28.18	155.94	-127.76
Net Revenue Requirement	36,935.02	28,164.27	8,770.74
Sales (MU)	52,352.87	50,444.21	1,908.66
ACoS (Rs./kWh)	7.06	5.61	1.45
Total Revenue	33,724.37	32,394.69	
Revenue at Existing Tariffs (without considering the Government subsidy u/s 65 of the Electricity Act, 2003)	33,521.34	32,191.65	1,329.69
Revenue from Cross Subsidy Surcharge	100.80	100.80	-
Revenue from Additional Surcharge	102.23	102.23	-
Revenue Deficit(-)/Surplus(+) at Current Tariffs	-3,210.64	4,115.44	-7,326.09
Government Subsidy u/s 65 of the Electricity Act, 2003		6,018.47	-6,018.47
Net gap - Deficit(-)/Surplus(+)	-3,210.64	10,133.91	-13,344.56

Summary of ARR for TSNPDCL for FY 2023-24

(All figures in Rs. Crores)

Particulars	Petitioner's Claim	Objector's Assessment	Disallowance
Transmission Cost	1,126.29	1,126.29	-
SLDC Cost	13.69	13.69	-
Distribution Cost	4,081.42	4,081.42	-
PGCIL & ULDC Expenses	451.19	451.19	-
Network and SLDC Cost (A)	5,672.60	5,672.60	-
Power Purchase / Procurement Cost	11,310.21	6,801.75	4,508.47
Interest on Consumer Security Deposits	81.08	81.08	-
Supply Margin in Retail Supply Business	31.27	31.27	-
Other Costs if any	-	-	-
Supply Cost (B)	11,422.56	6,914.10	4,508.47
Aggregate Revenue Requirement (A+B)	17,095.16	12,586.69	4,508.47
Non-Tariff Income	33.81	137.96	-104.15
Net Revenue Requirement	17,061.35	12,448.74	4,612.61
Sales (MU)	21,265.36	19,345.26	1,920.10
ACoS (Rs./kWh)	8.02	6.44	1.59
Total Revenue	9,737.70	8,331.27	
Revenue at Existing Tariffs (without considering the Government subsidy u/s 65 of the Electricity Act, 2003)	9,737.70	8,331.27	1,406.43
Revenue from Cross Subsidy Surcharge	-	-	-
Revenue from Additional Surcharge	-	-	-
Revenue Deficit(-)/Surplus(+) at Current Tariffs	-7,323.65	-4,117.47	-3,206.18
Government Subsidy u/s 65 of the Electricity Act, 2003	-	5,367.15	-5,367.15
Net gap – Deficit(-)/Surplus(+)	-7,323.65	1,249.68	-8,573.33

Summary of ARR for Telangana State for FY 2023-24

(All figures in Rs. Crores)

Particulars	Petitioner's Claim	Objector's Assessment	Disallowance
Transmission Cost	3,796.56	3,796.56	-
SLDC Cost	46.50	46.50	-
Distribution Cost	9,249.78	9,249.78	-
PGCIL & ULDC Expenses	1,533.17	1,533.17	-
Network and SLDC Cost (A)	14,626.02	14,626.02	-
Power Purchase / Procurement Cost	38,965.20	25,928.72	13,036.48
Interest on Consumer Security Deposits	393.04	393.04	-
Supply Margin in Retail Supply Business	74.10	74.10	-
Other Costs if any	-	-	-
Supply Cost (B)	39,432.34	26,395.86	13,036.48
Aggregate Revenue Requirement (A+B)	54,058.35	41,021.88	13,036.48
Non-Tariff Income	61.99	293.90	-231.91
Net Revenue Requirement	53,996.36	40,727.98	13,268.39
Sales (MU)	73,618.23	69,789.47	-
ACoS (Rs./kWh)	7.33	5.82	1.52
Total Revenue	43,462.07	40,725.95	-
Revenue at Existing Tariffs (without considering the Government subsidy u/s 65 of the Electricity Act, 2003)	43,259.04	40,522.92	2,736.12
Revenue from Cross Subsidy Surcharge	100.80	100.80	-
Revenue from Additional Surcharge	102.23	102.23	-
Revenue Deficit(-)/Surplus(+) at Current Tariffs	-10,534.29	-2.03	-10,532.27
Government Subsidy u/s 65 of the Electricity Act, 2003	-	11,385.62	-11,385.62
Net gap – Deficit(-)/Surplus(+)	-10,534.29	11,383.59	-21,917.88

- ii. From the above analysis, it is observed that instead of an ARR deficit, rather, there is an ARR Surplus. On account of the same, there arises ought to be a tariff reduction.
- iii. It is prayed that the Hon'ble Commission may allow tariff reduction accordingly.



10 PROPOSED CROSS SUBSIDY SURCHARGE

- i. The Objector prays that the Hon'ble Commission may rationalize the tariffs for industrial consumers and consequently, the cross subsidy surcharge in adherence to the mandate of the National Tariff Policy, 2016. The relevant extract of the National Tariff Policy, 2016 is reproduced below:

"8.3 Tariff design: Linkage of tariffs to cost of service

...

2. For achieving the objective that the tariff progressively reflects the cost of supply of electricity, the Appropriate Commission would notify a roadmap such that tariffs are brought within $\pm 20\%$ of the average cost of supply. The road map would also have intermediate milestones, based on the approach of a gradual reduction in cross subsidy.

...

Surcharge formula:

...

Provided that the surcharge shall not exceed 20% of the tariff applicable to the category of the consumers seeking open access."
(Emphasis supplied)

- ii. Further, it is prayed that the Hon'ble Commission may not exceed the upper limit of allowable Cross-Subsidy Surcharge to Rs. 1.35/kWh and Rs. 1.54/kWh for TSSPDCL and TSNPDCL respectively for FY 2023-24 as computed by the Objector:

(All figures in Rs./kWh)

Discoms	ACoS as per Objector's Assessment	Maximum Tariff	Maximum CSS
	A	B = 1.2 x A	C = 0.2 x B
TSSPDCL	5.61	6.73	1.35
TSNPDCL	6.44	7.72	1.54

11 PARALLEL OPERATION CHARGES/GRID SUPPORT CHARGES

- i. The Petitioners in their instant Petitions have again sought the introduction of Parallel Operation Charges/Grid Support Charges (GSC). The relevant extract of the Petition is reproduced below:

"The licensee proposes to levy Grid Support Charges for FY 2023-24 on all the generators (Captive Generating Plants, Cogeneration Plants, Third party Generation units, Merchant Power Generation units, Rooftop Power Plants etc.) who are not having PPA/having PPA for partial capacity with the licensees as follows:

..."

- ii. It is submitted that the Petitioners had claimed Parallel Operation Charges/Grid Support Charges (GSC) in the previous year's petitions as well. However, the Hon'ble Commission in its RST Order dt. 23.03.2022 had not allowed the same and had made the following directive:

"Commission's view

6.25.5 The stakeholders have vehemently opposed the DISCOMs proposal of GSC. The stakeholders have also raised certain issues purported to be incorrectness in the rationale provided by the DISCOMs. The stakeholders have also requested the Commission to undertake third party analysis before deciding on the levy of GSC as well as the quantum of such GSC. The Commission finds merit in the stakeholders' suggestion to undertake a detailed study.

*6.25.6 In accordance with Clause 5.1 of the Regulation No.4 of 2018, a **Grid Coordination Committee has been constituted with representation from wide spectrum of generating companies, transmission licensees, distribution licensees, electricity traders, OA consumers etc. Clause 5.2(v) of the Regulation No. 4 of 2018 specifies that "the Grid Coordination Committee shall be responsible for such matters as may be directed by the Commission from time to time". The Commission finds it appropriate to refer the matter to the Grid Coordination Committee for a detailed study on the issue of parallel operation of CPPs and consequent levy of GSC."***

(Emphasis supplied)

- iii. It is submitted that the Petitioners claim for Parallel Operation Charges/Grid Support Charges (GSC) in the instant petitions have not provided detailed study made by the Grid Coordination Committee. In the absence of the same, it is prayed that the Hon'ble Commission may disallow the claim of the Petitioners towards Parallel Operation Charges/Grid Support Charges (GSC).

12 PRAYERS

The Objector most respectfully prays that this Hon'ble Commission may be pleased to:

- A. Consider the above Objection Statement filed by the Objector;
- B. Disallow the power purchase cost as per the Objector's Assessment and in cases where the purchase has been projected at exorbitantly high price not relatable to the incumbent market situations;
- C. Align the Non-Tariff incomes strictly in line with the Audited Accounts and reduce it from the ARR being approved;
- D. Adjust the subsidy shortfall from the Govt. of Telangana as per Objector's Assessment for FY2023-24;
- E. Adjust the subsidy required from the Govt. of Telangana based on estimated consumption levels of subsidised categories such that the cost of supplying subsidised power to select consumer categories is not borne by the other non-subsidised consumers in terms of adjustment of the revenue gap of FY 2023-24;
- F. Approve the ARR by considering the total subsidy as prayed and assessed by the Objector in the detailed Objections Statement;
- G. Rationalize the Tariff and Cross Subsidy to reflect a tariff reduction instead of a tariff hike as per the Cost of Supply, as proposed in the Objections Statement;
- H. Disallow the proposed revenue from proposed tariffs as claimed by the Petitioner;
- I. Allow Cross Subsidy Surcharge as per the mandates of the National Tariff Policy 2016;
- J. Disallow the claim of the Petitioners' towards Parallel Operation Charges/Grid Support Charges (GSC);
- K. Pass necessary orders as may be deemed appropriate in the facts and circumstances of the case in the interest of justice;

- L. Permit the Objector to participate and make additional submission and produce additional details and documentations during the course of the online Public Hearings in the interest of justice and equity.

I.Gopinath
Chief Executive Officer
South Indian Cement Manufacturers' Association
OBJECTOR

Date: 31st January, 2023

Place: Hyderabad

IN THE APPELLATE TRIBUNAL FOR ELECTRICITY

(Appellate Jurisdiction)

APPEAL NO. 248 OF 2018

Dated: 18th February, 2022

**Present: Hon'ble Mr. Justice R.K. Gauba, Officiating Chairperson
Hon'ble Mr. Sandesh Kumar Sharma, Technical Member**

In the matter of:

The Director,
Abhijeet Ferrotech Limited,
Plot No. 50 & 51, APSEZ, Atchuthapuram,
Vishakhapatnam – 531 011 Appellant

Vs.

1. The Secretary,
Andhra Pradesh Electricity Regulatory Commission,
4th Floor, Singareni Bhavan, Red Hills,
Hyderabad – 500 004.
2. The Managing Director,
Eastern Power Distribution Company Ltd., Andhra Pradesh,
P & T Colony, Seethammadhra,
Visakhapatnam – 530 013. Respondent(s)

Counsel for the Appellant(s) :

Mr.Sajan Poovayya, Sr. Adv.
Mr.Hemant Singh
Mr.Mridul Chakravarty
Ms.Supriya Rastogi Agarwal
Mr. Lakshyajit Singh Bagdwal
Mr. Harshit Singh
Mr. Sharan Balakrishnan

Counsel for the Respondent(s) : Mr. Sridhar Potaraju
Mr. Mukunda Rao Angara
Ms. ShiwaniTushir
Mr. Aayush
Mr. Yashvir
Ms. Anikita Sharma for R-1

Mr. Nishant Sharma For R-2

J U D G M E N T

PER HON'BLE MR. SANDESH KUMAR SHARMA, TECHNICAL MEMBER

1. The present Appeal has been filed by the Appellant - M/s Abhijeet Ferrotech Limited ("**Appellant**") challenging the Tariff Order dated 27.03.2018 ("Impugned Order") passed by the Andhra Pradesh Electricity Regulatory Commission (in short "**APERC**" or "**Respondent Commission**" or "**State Commission**") wherein it determined the Annual Revenue Requirement (ARR) and Tariff for the two Distribution Licensees of the Andhra Pradesh for the FY 2018-19.

2. Being aggrieved by the decision of the Respondent Commission of determining common Tariff for consumer categories of 132 KV and above, the Appellant filed the present Appeal.

Description of the Parties

3. The Appellant - Abhijeet Ferrotech Limited is engaged in the business of manufacturing ferro alloys, which is a vital constituent for

steel making industries, and accordingly has set up a ferro alloys unit at Special Economic Zone (SEZ), Vishakhapatnam (Andhra Pradesh). It is stated that the electricity requirement of the Appellant is fulfilled by Andhra Pradesh Eastern Power Distribution Company Limited (APEDCL), Respondent No.2, herein, at 220 kV voltage level against the power demand of 90 MVA.

4. Respondent No.1- Andhra Pradesh Electricity Regulatory Commission, which is exercising its powers and discharging functions as a sector regulator under the provisions of the Electricity Act, 2003 and by virtue of power vested in it under the Act of 2003, and as per the provisions of APERC (Terms and Conditions for Determination of Tariff for Wheeling and Retail Sale of Electricity) Regulation, 2005 has passed the present Impugned Order.

5. Respondent No.2 - Andhra Pradesh Eastern Power Distribution Company Limited (APEDCL) is the Distribution Licensee supplying power in the State of Andhra Pradesh in the specified area as per its Licence. The other Distribution Licensee is Southern Power Distribution Company (APSDCL).

Factual Matrix

6. The issue is short and narrow, only one issue emerges out of the Appeal, whether the Respondent Commission has erroneously ignored the provision of the Tariff Policy and various judgement passed by the Hon'ble Supreme of India and by this Tribunal.

7. Respondent No. 2 (APEDCL) and the Southern Power Distribution Company Limited (APSDCL) filed two separate petitions, being OP No.60 and 61 of 2017, respectively, before the State Commission for determination of ARR and Tariff for FY 2018-19. The Impugned Order is the common order passed against these two Petitions filed by the two distribution companies of Andhra Pradesh.

8. The facts of the case are noted in brief.

9. The Appellant is an extra high tension (voltage) i.e, EHT category consumer within the distribution licenced area of Eastern Power Distribution Company of Andhra Pradesh Limited (APEPDCL, and as such, is filing the present appeal with respect to the Impugned Order passed qua Petition in OP No.60 of 2017. Hence, Southern Power Distribution Company of Andhra Pradesh Limited (APSDCL) is not being made a party to the present appeal.

10. On 09.01.2018, the Appellant vide its letter addressed to the Secretary of the Respondent Commission filed the objection/suggestion in respect of the ARR Petition of the Respondent No.2, requesting for fixing separate tariffs for EHT consumers drawing power at 132 KV, 220 KV and 400 KV. The copy of the above said letter was also shared with the Respondent no. 2, the Principal Secretary (Energy) and the Principal Secretary (Industries), Government of Andhra Pradesh.

11. On 03.02.2018, Respondent No.2 came out with its reply vide its letter in response to the letter dated 09.01.2018 submitted by the Appellant. The Respondent No.2 affirmed its rationality for the same tariff category as that of the consumers at 132 kV voltage level, on the

pretext that the transmission system in the State of Andhra Pradesh operates in a right mode comprising 400 kV, 220 kV and 132 kV system and as such, it is only the transmission loss for the entire transmission network which can be determined.

12. The Appellant again presented its case in detail during the public hearing held on 05.02.2018 at Vishakhapatnam, in respect of the retail supply Tariff Order and the ARR Petition for FY 2018-19 filed by the Respondent no.2, however, the Respondent Commission reiterated its stand in the matter.

13. Thereafter, the Respondent Commission has passed the present Impugned order against the Original Petition No.60 of 2017 filed by Respondent No.2.

14. Being aggrieved, the Appellant filed the present Appeal.

Our Findings and Analysis

15. The Appellant, a consumer at 220KV, has submitted that the power losses in the transmission system depend upon the voltage, higher the voltage, lower is the loss of power. The cost of Supply at different voltages of 132 KV, 220 KV and 400 KV within the EHT range of consumers is different and the reduction in cost of Supply deserves to be passed on to high voltage consumers in the form of lower tariff. A common retail tariff is being made applicable to the Appellant despite the fact that the power loss at 220 KV is lower as compare to 132 KV. Therefore, the Appellant sought a separate tariff category for consumers connected at 220 kV voltage levels.

16. We are inclined to accept the contention of the Appellant.

17. While providing references of the practice adopted by various other State Electricity Regulatory Commissions approving voltage wise tariffs for EHT consumers and encouraging the usage of high voltage level to minimize power losses, the Appellant also laid emphasis upon various pronouncements of this Tribunal with respect to voltage wise cost of Supply and as such reiterated its demand for creation of a separate tariff category for itself. In addition, the Appellant placed before list of Discoms which adopted voltage wise tariff category for EHT consumers.

18. On the contrary, the Respondents submitted that the transmission system in the State of Andhra Pradesh operates in a ring mode comprising 400 kV, 220 kV and 132 kV system and as such, it is only the transmission loss for the entire transmission network which can be determined. Further added that the power flows in EHT system as per laws of physics and the losses for entire EHT system can only be determined. The Respondent No. 2, therefore, declined to propose separate tariff for consumers, including the Appellant itself, connected at 220 kV voltage level, citing its inability to determine the transmission loss at a specific voltage level.

19. The above submission of the Respondents is bound to be rejected as many Distribution Licensees operating in ring mode in the Country has already adopted voltage wise categorisation of retail tariff. The Appellant has placed before us list of such Distribution Companies.

20. We decline to accept the contention of the Respondents that under ring mode operation at the level of 132 KV and above, the voltage wise transmission losses cannot be ascertained as at each and every terminal end of a transmission line energy meters / ABT (Availability Based Tariff) Meters are installed as per the Regulations notified by Central Electricity Authority under the provisions of the Electricity Act, 2003. On the contrary, with the advancement of technology, precise measurements can be made for the determination of transmission tariff including the directional flow of electricity.

21. In the light of the above, we enquired from the Ld Advocate appearing for the Respondent Commission whether accurate determination can be done or not. However, no clear reply was received.

22. The Appellant brought our attention on the Judgement passed by the Hon'ble Supreme Court in ***Punjab State Power Corpn. Ltd. v. Punjab State Electricity Regulatory Commission***, (2015) 7 SCC 387 wherein it was held that:

"13. The Appellate Tribunal on an interpretation of Sections 61(g) and 62(3) particularly in the absence of any prefix to the expression "cost of supply" in Section 61(g) took the view that it is more reasonable to advance towards a regime of voltage cost of supply which would provide a more actual/realistic basis for dealing with the issue of cross-subsidies. However, as the progress to a regime of voltage cost of supply by reduction/elimination of cross-subsidies is to be gradual, the learned Appellate Tribunal held that no fault can be found with the determination of the average cost of supply made by the Commission for the financial years in question. However, keeping in view what the Tribunal understood to be the ultimate object of the Act it had directed that the relevant data with regard to voltage cost should be laid before the

Commission and for the future the Commission would gradually proceed to determine the voltage cost of supply.

14. We have considered the perspective adopted by the learned Appellate Tribunal in seeking an answer to the issue of cost of supply/cross-subsidies that had arisen for decision by it. The provisions of the Act and the National Tariff Policy requires determination of tariff to reflect efficient cost of supply based upon factors which would encourage competition, promote efficiency, economical use of resources, good performance and optimum investments. **Though the practice adopted by many State Commissions and utilities is to consider the average cost of supply it can hardly be doubted that actual costs of supply for each category of consumer would be a more accurate basis for determination of the extent of cross-subsidies that are prevailing so as to reduce the same keeping in mind the provisions of the Act and also the requirement of fairness to each category of consumers.** In fact, we will not be wrong in saying that in many a State the departure from average cost of supply to voltage cost has not only commenced but has reached a fairly advanced stage. **Moreover, the determination of voltage cost of supply will not run counter to the legislative intent to continue cross-subsidies. Such subsidies, consistent with the executive policy, can always be reflected in the tariff except that determination of cost of supply on voltage basis would provide a more accurate barometer for identification of the extent of cross-subsidies, continuance of which but reduction of the quantum thereof is the avowed legislative policy, at least for the present.** Viewed from the aforesaid perspective, we do not find any basic infirmity with the directions issued by the Appellate Tribunal requiring the Commission to gradually move away from the principle of average cost of supply to a determination of voltage cost of supply."

23. By plain reading of the above judgment, it is clear that State Commission ought to determine voltage wise tariff, which is in confirmation with the provisions of the Electricity Act, 2003.

24. This Tribunal vide its Judgement dated 31.05.2013 in Appeal No.179 of 2012 -***Kerala High Tension and Extra High-Tension Industrial Electricity Consumer's Associations v. KSERC &Anr.*** has issued the following directions:

"49. The State Commission in the impugned order has decided not to consider voltage wise cost of supply to determine cross subsidy relying on its own Regulations and recommendations of the Forum of Regulators. We find that the State Commission's Regulations provide for determination of cross subsidy with respect of average cost of supply which is contrary to the interpretation of cost of supply and cross subsidy under Section 61(g) of the Act given by this Tribunal. The State Commission is also wrong in relying upon the recommendations of the Forum of Regulators which is only a recommendatory body as against the dictum held by this Tribunal which is binding on the State Commission. In view of this Tribunal's interpretation of Section 61(g) of the Act for cost of supply, we have to ignore the Regulations of the State Commission and have to hold that the State Commission has to determine the cross subsidy with respect to cost of supply for the particular category of consumer. Accordingly, as mentioned earlier, we have given directions to the State Commission for determination of voltage wise cost of supply within six months from the date of this judgment for future for bringing transparency in determination of cross subsidy. However, as the State Commission has decided a higher percentage increase in tariffs of subsidized consumers as compared to subsidizing categories with a view to reduce the cross subsidies and have kept the tariffs of the consumer categories of the Appellant's members within $\pm 20\%$ of the average cost of supply, we do not incline to interfere with the tariff decided by the State Commission for the Appellants.

50. Learned counsel for the Appellant has given a comparison of change in cross subsidy for Domestic and HT/EHT Industrial categories with respect to voltage wise cost of supply as computed by them to show that cross subsidy for HT Industrial categories has been increased against the dictum of the Tribunal. The Appellant has computed cost of supply at EHT, HT and LT levels

by their own assumptions of transmission losses, and losses in HT and LT system of the Electricity Board. **The cost of supply at EHT and has been considered as cost of power purchase from sources other than Board's own generation, total energy procured from outside sources and that supplied by Board's own power plants and assumed transmission loss of 3%. This is wrong. Firstly, no such voltage-wise cost of supply has been decided by the State Commission in the impugned order. Secondly, the computation of the Appellant is incorrect. The total cost of energy supply does not include the cost of generation of Board's own power stations while the total energy considered includes the energy supplied by the Board's own generation. Thirdly, the method of cost of supply at EHT is not in consonance with the ratio laid down by this Tribunal in Tata Steel judgment in Appeal no. 102 of 2010 and batch, wherein the Tribunal rejected the contention of the Appellants, the EHT consumers, that the distribution losses in respect of EHT consumers would be nil for computing cost of supply. The Tribunal held that the difference between the distribution losses allowed in the ARR and the technical losses as computed by the studies should also be apportioned to consumers at EHT for computing the cost of supply. The Tribunal also decided that as segregated network costs are not available, all other costs of distribution system could be poled equitably at all voltage levels including EHT.**

80. Summary of our findings:

i) **We find that in the present case, the State Commission has determined the tariff of the Appellant's category of HT and EHT Industrial consumers within $\pm 20\%$ of the average cost of supply as per the Tariff Policy, the dictum laid down by this Tribunal and as sought by the Appellant in their objections filed before the State Commission. However, we give directions to the State Commission to determine the voltage-wise cost of supply for the various categories of consumers within six months of passing of this order and take that into account in determining the cross subsidy and tariffs in future as per the dictum laid down by this Tribunal."**

25. The issue involved in the present appeal is entirely covered by various other judgments of this Tribunal wherein it has been held that

tariff has to be determined voltage-wise. Some of the said judgments of this Tribunal are provided hereinbelow:

- i. Judgment dated 26.05.2006 in Appeal Nos. 04, 13, 14, 23, 25, 26, 35, 36, 54 and 55 of 2005, titled as *Siel Limited v. PSERC &Ors.*;
- ii. Judgment dated 30.05.2011 in Appeal No. 102 of 2010, titled as *TATA Steel Ltd. v. OERC &Ors.*;
- iii. Judgment dated 23.09.2013 in Appeal Nos. 52, 67 of 2012, titled as *Ferro Alloys Corporation Limited v. OERC & Anr.*;

26. Further, as per Section 61(g) of the Electricity Act, 2003, the tariff applicable to a consumer has to reflect the amount of actual cross subsidies built in the said tariff. The same is for the reason that the Act contemplates progressive reduction in cross subsidies. For the purposes of effecting progressive reduction in cross subsidies, it is necessary that actual cross subsidies can be ascertained from the tariff of a consumer. The same can only happen in the event separate consumer tariff for each voltage level, is determined by the Commission.

27. We are inclined to record here that State Commission has miserably failed in complying with the directions passed by this Tribunal in various Judgements but also failed to implement the provisions of the Tariff Policy, 2016 which clearly mandates that:

"Clause 8.3(2)

- a) **Separate consumer tariff at each voltage level has to be determined in order to fulfil the mandate of Section 61(g)**

of the Electricity Act 2003, which is to reflect actual cost of supply;

- b) Separate consumer tariff at each voltage level is required in order to ascertain the actual cross subsidies in built in a consumer's tariff;
- c) Without specifying a separate consumer tariff for consumers connected at each voltage level, a progressive reduction in actual cross subsidies is not possible as the said component is not known;
- d) The retail/ effective tariff or average billing rate at a particular voltage level cannot exceed more than 20% of the actual cost of supply of a distribution licensee at the said voltage level."

28. We, further, reject the submission of the Respondent No. 2 for not determining the tariff voltage wise that the transmission system in the State operates in a ring mode comprising of 400kV, 220kV and 132kVsystem and as such, it is only the transmission loss for the entire transmission network which can be determined. In fact, as per Central Electricity Authority Regulations, ABT meters are to be installed at the interface points of 132 kV, 220kV and 400kV and also at places where EHT network gets connected to the distribution system of the distribution licensees making power loss easily accessible for the Distribution Licensee. Many Distribution Companies in the Country(list of 22 of such company have been provided by the Appellant) have fixed voltage wise tariffs for HT consumers though such Licensees may also be similarly placed.

29. In the light of the foregoing paragraphs, it is clear that this Tribunal has, time and again, been consistently held that the State Commissions have to necessarily determine voltage wise tariff depending upon different category of consumers, and the principle of which has also been upheld by the Hon'ble Supreme Court in ***Punjab State Power Corpn. Ltd. v. Punjab State Electricity Regulatory Commission***, (2015) 7 SCC 387 as stated above.

ORDER

30. In light of the above, we are of the considered view that the issues raised in the Appeal have merits and hence the Appeal is allowed. The Impugned Order dated 27.03.2018 in Original Petition No. 60 of 2017 passed by Andhra Pradesh Electricity Regulatory Commission is hereby set aside to the extent of our observation.

31. We remit the matter, involving the issue of determination of Tariff voltage wise, to the State Commission for a fresh decision for determining separate retail supply tariff, voltage wise, for all HT consumers, including for those connected at voltage level of 220 kV.

32. Needless to add that the State Commission shall also proceed to examine as to how the differential in the applicable tariff for the period in question is to be determined and recovered, and issue all necessary directions in such regard as well.

33. The issue having persisted for long, we would expect the State Commission to pass the fresh order in terms of above directions expeditiously, not later than three months from the date of this judgment.

The Commission shall also ensure that the order it passes pursuant to our directions is scrupulously complied with expeditiously and in a time-bound manner and for this purpose shall have recourse to all enabling powers available to it under the law.

The appeal is disposed of in above terms.

**PRONOUNCED IN THE VIRTUAL COURT THROUGH VIDEO
CONFRENCING ON THIS 18th DAY OF FEBRUARY, 2022.**

(Sandesh Kumar Sharma)
Technical Member

(Justice R.K. Gauba)
Officiating Chairperson

Pr

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Kaleshwaram Lift Irrigation Project : Supreme Court Clarifies Status Quo Order

Sohini Chowdhury 9 Jan 2023 9:24 PM





The Supreme Court, on Monday, issued some clarifications with respect to its order dated 27th July, 2022 directing status quo on the Kaleshwaram Lift Irrigation Project (KLIP), including the land acquisition process.

In an application filed by the State of Telangana seeking clarification of the status quo order, a Bench comprising **Justice K.M. Joseph and Justice B.V. Nagarathna** noted that the status quo order dated 27th July, 2022 would not stand on the way of the applications made by the State before the Godavari River Management Board seeking approval of the revised Detailed Project Report (DPR) or as a matter of fact any other applications made before other competent authorities, which are to be processed strictly in accordance with law.

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With respect to acquisition, the Bench clarified that the status quo order would not come in the way of the State of Telangana offering compensation to the owners of land who are ready to accept the same.

The KLIP, at present envisages to provide irrigation facilities by diverting 3 TMC of water per day from inter-state River Godavari till State of Telangana exhausts the entirety of its annual entitlement of the inter-state river water i.e. 240 TMC of water.

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In 2015-16, the Telangana Government re-engineered the Pranahita Chevella Lift Irrigation project and proposed the KLIP with the purported aim to increase agricultural productivity in the upland areas of Telangana. The re-designed project is to lift 2 TMC of water per day for 90 days per year from the Godavari River. In 2019, the project was modified and provision was made to draw one additional TMC of water per day. Accordingly, an irrigation canal with 1 TMC capacity, is being built parallelly to an existing canal which has 2 TMC capacity. With the enhanced capacity the State of Telangana aims to draw 240 TMC water in 60 days instead of 90 days.

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On 07.08.2020, and again on 11.12.2020, the Minister of Jal Shakti, Government of India, had addressed letters to the Chief Minister of Telangana asking not to proceed with the project before obtaining requisite sanctions.

The expansion of the project in 2019 was challenged before the National Green Tribunal. On 20.10.2020, it held that the expansion was without Environmental Clearance. It observed that the issue ought to be evaluated by statutory expert committees before expansion is undertaken.

Also Read - SC Judge Justice Surya Kant Recuses From Hearing Plea Seeking Cancellation of Bail Granted To SAD Leader Bikram Singh Majithia

On 15.07.2021, Ministry of Jal Shakti (Department of Water Resources, River Development and Ganga Rejuvenation) notified that KLIP has no approval and asked the State to stop the ongoing work on all the unapproved projects. However, the Telangana Government issued notification under Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 for acquiring land in Achampally Village, Gangadhara Mandal, Karimnagar District with respect to the KLP.

The acquisition notification was challenged before the Telangana High Court, which rejected it on the ground of maintainability. Noting that the *lis*

pertains to inter-state river water dispute, it opined that the High Court does not have jurisdiction.

While issuing notice in the Special Leave Petition, on 27.07.2022, the Apex Court had passed the following order -

"Issue notice returnable on 23rd August...In the meantime, status quo, as of today, shall be maintained by the parties in all respects. It is further made clear that all steps taken by the concerned authorities with regard to the subject matter of these petitions shall be subject to the outcome of these petitions."

[Case Title: Sriram Gangajamuna And Ors. v. State of Telangana And Ors. SLP (C) No. 8454 of 2022]

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It seeks to divide the Constitution in a unique twenty weeks syllabus (with one week reserved as a review week), to provide a comprehensive overview of the entire Constitution with sufficient details. Every lecture is interspersed with a reading of important Constitutional provisions, and relevant constitutional cases to understand the application of these provisions.

Participants will have an opportunity to interact with the course instructor and each other, and also make case presentations, in order to develop the skill of critically analysing Constitutional cases.

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While prior legal education /background is helpful, it is not compulsory. The Course will be taught in a way so as to build from the basics and then cover finer nuances. Please note that the Course is fairly detailed in its approach and anyone seeking a mere cursory approach to the reading of the Constitution will find it rather exhaustive.

Feedback on Edition I – 4.28/5.00

Edition 1 of Constitutional Law Course by Adv. Avani Bansal and LiveLaw Academy ran from June to December 2022. It saw participation from law enthusiasts across the country, and many first time learners. We got an excellent rating of 4.28 stars on the course and here's what our students had to say about their experience:

Exceptionally good. Would recommend anyone who wish to understand the Constitution in an exhaustive detail

- Neha shah, Advocate

Adv. Avani Bansal has an innate talent to impart her knowledge of the subject. She is thorough, values time, and above all, is a person with a passionate sincere commitment towards the implementation of law.

- Asher Augustine, Retired professional

One word...fantabulous. She knows what she is doing and I have never seen such expertise on constitutional law.

- Sanjeev Suman, Legal Counsel in Swiss Reinsurance

It has been a wonderful experience since day one. Your team has been in best way possible available for queries and other class related issue moreover questions asked by students were of great benefit and the way

ma'am answers them in her unique way is superb and most importantly took classes with an enthusiasm that boosted me more to learn more.

- Asim Mujtaba, student

Ma'am explains complex topics in a simple manner. The flow of the session is very smooth and we get a chance to ask our queries and questions in every class.

- Bijaya Dewashi, Development Professional

The explanation is easy to understand even for a beginner and intricate enough for experienced people to learn something new.

- Mihir Patel, Law student

She makes sure to cover every Article of the Constitution. The best part is that the lectures are also analytical and critical and not just a mere iteration of what's there in the constitutional text and is followed by extensive reading material.

- Sejalsri Mukkavilli, Law Student

Who Can Apply :

Open To All : This course can be taken by anyone willing to read, understand and apply the Constitution of India. Age, gender, education background is no bar.

Course Period : 11th February to 1st July 2023 (Every Saturday, 4 to 7 PM)

This Course is a twenty-one-week intensive course, with a total of 60 hours + teaching time. The classes will be held via Zoom and Assignments + study material can be accessed via student portal on website.

Certificate: Certificate of competition will be granted to each student who:

- Attends atleast 50 percent classes; and
- Submits 50 percent Assignments; and
- Gains above 50 percent in atleast 50 percent assignments.

Course Fee : Rs. 6999/- + GST

Registration Link: <https://rzp.io/l/2SEA2Ds>

Week Wise Distribution of Subjects:

Week 1	Overview and Context
11 th Feb, 2023	<ul style="list-style-type: none">• Why Does the Constitution Matter In Our Everyday Lives?• Terminology, History and Vision behind the Constitution• The Making of Our Constitution

	<ul style="list-style-type: none"> ● Salient Features of Our Constitution
<p>Week 2</p> <p>18th Feb, 2023</p>	<p>Architecture of the Constitution</p> <ul style="list-style-type: none"> ● Division of the Constitution in Parts, Chapters and Articles ● How to read the Constitution and find what you are looking for ● How to find relevant Constitutional cases
<p>Week 3</p> <p>25th Feb, 2023</p>	<p>Central Legislative Body & Process – The Parliament</p> <ul style="list-style-type: none"> ● Composition of Lok Sabha and Rajya Sabha ● Parliamentary Membership – Qualification ; Disqualification ; Termination ; Anti Defection Law ● Meeting and Officers of Parliament ● Termination of Parliament ● Functions of Parliament ● Parliamentary Privileges ● Delegation of Legislative Powers
<p>Week 4</p> <p>4th March, 2023</p>	<p>Central Executive</p> <ul style="list-style-type: none"> ● President and Vice President ● Council of Ministers ● Collective Responsibility

	<ul style="list-style-type: none"> • Executive, Legislative and Judicial Functions of the Central Executive • Attorney General
Week 5 11 th March, 2023	<p>Supreme Court</p> <ul style="list-style-type: none"> • Appointment of Judges + Relevant Cases • Jurisdiction and Powers of SC + Writ Jurisdiction Under Art. 32 • Article 136 – SLP • Appeals from Tribunals • Miscellaneous Provisions
Week 6 18 th March, 2023	<p>Territory of India</p> <p>Provisions Pertaining To Territory of India</p> <p>Re-organisation of States</p> <p>Cessation of Territory</p> <p>+ Remaining Cases from Earlier Sessions</p>
Week 7 25 th March, 2023	<p>State Legislature</p> <ul style="list-style-type: none"> • Composition of Legislative Council and Legislative Assembly • Qualification and Disqualification ; Anti-Defection Laws

	<ul style="list-style-type: none"> ● Meeting of State Legislatures; Officers ; Dissolution of House ● Functions of State Legislatures ● Relations Between Two Houses ● Legislative Privileges
<p>Week 8</p> <p>1st April, 2023</p>	<p>State Executive</p> <ul style="list-style-type: none"> ● Governor, Chief Minister and Council of Ministers ● Working of the Executive + Powers of the Governor ● Executive, Legislative and Judicial Powers of the Executive ● Advocate General
<p>Week 9</p> <p>8th April, 2023</p>	<p>State Judiciary</p> <ul style="list-style-type: none"> ● Appointment of Judges at High Court ● Jurisdiction and Powers of High Courts ● Writ Jurisdiction – Art. 226 + Art. 227 ● Subordinate Judiciary
<p>Week 10</p> <p>15th April, 2023</p>	<p>Union Territories And Special Provisions Concerning Some States</p> <ul style="list-style-type: none"> ● Union Territories and How They Are Governed

	<ul style="list-style-type: none"> ● Special Provisions in Constitution Regarding Gujarat, Maharashtra, Nagaland, Assam, Manipur, Andhra Pradesh, Sikkim ● Scheduled and Tribal Areas ● Municipal Bodies
Week 11 22 nd April, 2023	<p>Legislative Relations Between Center and States</p> <ul style="list-style-type: none"> ● The Three Lists ● Principles of Interpretation ● Residuary Powers and When Entries in Different Lists Conflict
Week 12 29 th April, 2023	<p>Financial Relations Between Center and States</p> <ul style="list-style-type: none"> ● Taxing Powers + Central and State Taxes ● Fees ● Restrictions on Taxing Powers ● Finance Commission ● Borrowing Power
Week 13 6 th May, 2023	<p>Administrative Relations Between Center and States</p> <ul style="list-style-type: none"> ● Welfare State and Need for Administrative Law ● Center-State Administrative Coordination ● All India Services

	<ul style="list-style-type: none"> ● Miscellaneous
<p>Week 14</p> <p>13th May, 2023</p>	<p>I. Emergency Provisions</p> <ul style="list-style-type: none"> ● Different Types of Emergencies + When They Can Be Invoked ● Case Laws During Emergency <p>II. Cooperative Federalism</p> <ul style="list-style-type: none"> ● What is Cooperative Federalism ● Different Councils and Statutory Bodies ● Coordination between Finance and Planning Commission
<p>Week 15</p> <p>20th May, 2023</p>	<p>I. Trade, Commerce and Intercourse</p> <ul style="list-style-type: none"> ● Interrelation between Art. 19 (1) (g) and Art. 301 ● Regulatory measures ● Exceptions to Freedom of Trade and Commerce <p>II. Official Languages</p> <ul style="list-style-type: none"> ● Languages Debates and Official Language ● Judicial Approach
<p>Week 16</p> <p>27th May, 2023</p>	<p>I. Citizenship</p> <ul style="list-style-type: none"> ● Citizenship At The Time of Constitution

	<ul style="list-style-type: none"> ● Citizenship Act, 1955 ● Corporation and Not Citizen <p>II. Elections</p> <ul style="list-style-type: none"> ● Nature of Elections ● Election Commission ● Election Disputes ● Party System ● Relevant Cases
<p>Week 17</p> <p>3rd June</p> <p>2023</p>	<p>Fundamental Rights – Part I</p> <ul style="list-style-type: none"> ● Article 12, Article 13, Article 14 <p>(Definition of State, Right To Equality)</p> <ul style="list-style-type: none"> ● Article 15 – 18 <p>(Right Against Discrimination ; Equality of Opportunity ; Reservation Debate ; Abolition of Untouchability)</p>
<p>Week 18</p> <p>10th June</p> <p>2023</p>	<p>Fundamental Rights – Part II</p> <ul style="list-style-type: none"> ● Article 19- 21 ● Freedom of Speech and Expression ; Freedom of Press ; Right to Life and Right To Live With Dignity ; Protection Against Double Jeopardy; Ex-Post Facto Laws & Self Incrimination)

	<ul style="list-style-type: none"> ● Right Against Custodial Torture; Preventive Detention ; Right to Education ; Right Against Exploitation
Week 19 17 th June 2023	Fundamental Rights – Part III <ul style="list-style-type: none"> ● Right to Religion and Freedom of Conscience ● Right of Minorities to Establish and Manage Educational Institutions ● Right to Protect One’s Culture and Language ● Right to Property – before 1978 Position and After It
Week 20 24 th June 2023	I. Right to Constitutional Remedies – Art. 32 II. Directive Principles of State Policy III. Fundamental Duties IV. Constitutional Amendments
Week 21 1 st July 2023	Review Week

Frequently Asked Questions

Qn. Will the sessions be recorded?

Ans. Yes. A student can avail recordings of a maximum seven classes during the course of the program, by directly contacting the course

coordinator. They will be provided with Zoom links to watch the recordings.

Qn. Will students receive certificates?

Ans. Yes, certificates will be given to students who:

- Attend at least 50 percent classes; and
- Submit 50 percent Assignments; and
- Gains above 50 percent in at least half of all assignments given.

Qn. How do I avail the early bird registration?

Ans. If you are one among the first 20 people to register for the course, we will let you know via email, and initiate a refund of 20% of the amount you paid to your account.

Qn. How can one avail a scholarship?

Ans. To apply for a scholarship, please write an email to the course coordinator parvati@livelaw.in with a cover letter explaining your financial need for a scholarship, or your academic merit. Please attach your resume with the mail.

Qn. Is this course only for Law students and Lawyers?

Ans. No, this course is designed keeping in mind the needs of people who are new to the field of law. It does not require a prior knowledge of the subject, and we encourage freshers and people in all fields and walks of life to join us in understanding the Constitution. Age, Gender, education background is no bar.

Qn. How do I register for the course?

Ans. You can register for the course by making the payment via the Razorpay link or by scanning the QR code given in our posters.

<https://rzp.io/l/2SEA2Ds>

Qn. Who can I contact if I face issues or doubts regarding the course?

Ans. You can either write to the course coordinator parvati@livelaw.in or drop a WhatsApp message to 9847128749

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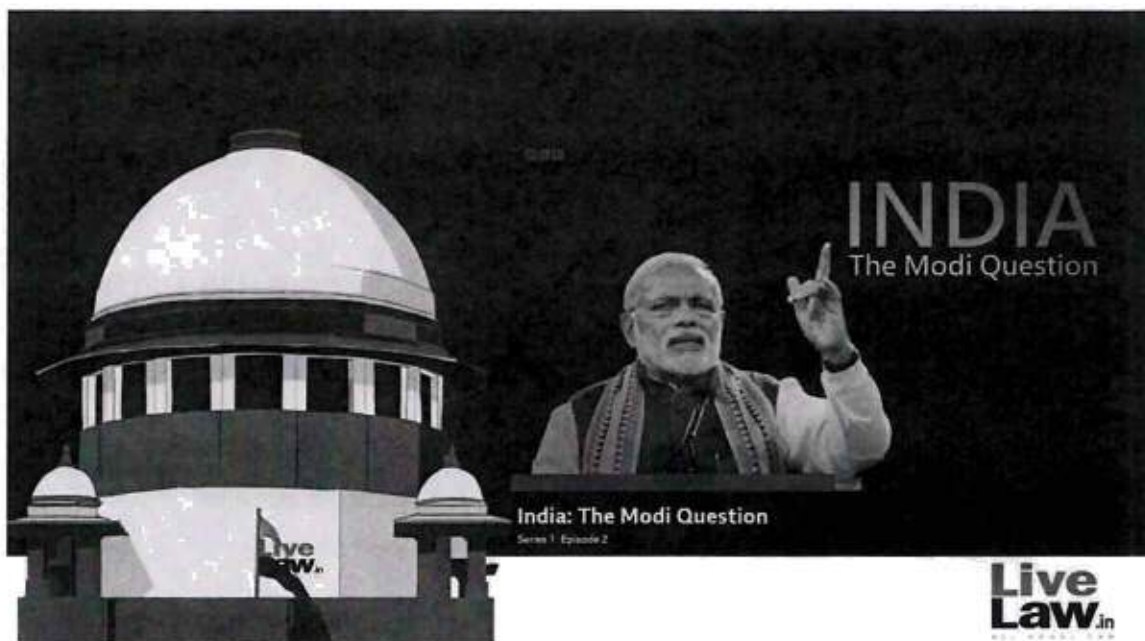
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सुप्रीम कोर्ट के जज जस्टिस सूर्यकांत ने अकाली नेता विक्रम सिंह मजीठिया की जमानत रद्द करने की मांग वाली याचिका पर सुनवाई से खुद को अलग किया



हेट स्पीच केस: 'हिंदू युवा वाहिनी के कार्यक्रम की जांच काफी हद तक पूरी'-दिल्ली पुलिस ने सुप्रीम कोर्ट से कहा



नरेंद्र मोदी पर बनी बीबीसी की डॉक्यूमेंट्री पर बैन को चुनौती देने वाली याचिकाओं पर अगले सप्ताह सुनवाई करेगा सुप्रीम कोर्ट

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Telangana requests Supreme Court to vacate stay on Kaleshwaram project

India News

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In its petition, the irrigation department said it was proposed to draw an additional one tmc ft (thousand million cubic feet) of water from Godavari river, apart from the originally planned two tmc ft, only for optimising the utilisation of 240 tmc ft of water during the rainy season, which will be there for a short period.



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By Srinivasa Rao Apparasu , Hyderabad

The Telangana government on Thursday filed a petition in the Supreme Court seeking to vacate a stay ordered on the ongoing works of Kaleshwaram lift irrigation scheme expanding its scope for drawing more water from Godavari river to provide more irrigation facilities to the command area in the state.

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In its petition, the irrigation department said it was proposed to draw an additional one tmc ft (thousand million cubic feet) of water from Godavari river, apart from the originally planned two tmc ft, only for optimising the utilisation of 240 tmc ft of water during the rainy season, which will be there for a short period.

An official of the irrigation department said the government had informed the Supreme Court that since the additional 1 tmc ft component was not a new project and was only a part and part of an existing Kaleshwaram project, there was no need for any additional clearances. [OPEN APP](#)

"The project already has all statutory clearances from the Central Water Commission. Yet, we have submitted the detailed project report (DPR) on this additional component to the CWC as well as the Godavari River Management Board (GRMB) under the Union Jal Sakthi ministry," the official said.

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However, the GRMB had refused to examine the DPR and stopped the process of according statutory clearances for additional 1 tmc ft works of Kaleshwaram project on the grounds that the Supreme Court had ordered maintenance of a status quo.

"Hence, we requested the court to vacate the status quo order, so that the Centre can examine the DPR and grant permission for the same," the official said.

It may be mentioned that the Supreme Court on July 27 ordered status quo on the project works, after hearing a batch of petitions which alleged that the Telangana government was increasing the capacity of the project without any clearances.

The Telangana government told the court that the petitions questioning the project's expansion were politically motivated. It claimed that the farmers whom the expansion would impact had already accepted compensation from the government.

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Centre, requesting that the additional water drawl component be deleted from the list. of un-approved projects.

"All the requisite information sought by the CWC in this regard has been submitted by the state government. Finally, the matter has been referred to GRMB, with the recommendations of CWC, for their comments. At this stage stopping of the process by GRMB will cause unnecessary delay to the project," he said.

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ABOUT THE AUTHOR

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Srinivasa Rao is Senior Assistant Editor based out of Hyderabad covering developments in Andhra Pradesh and Telangana . He has over three decades of reporting experience.

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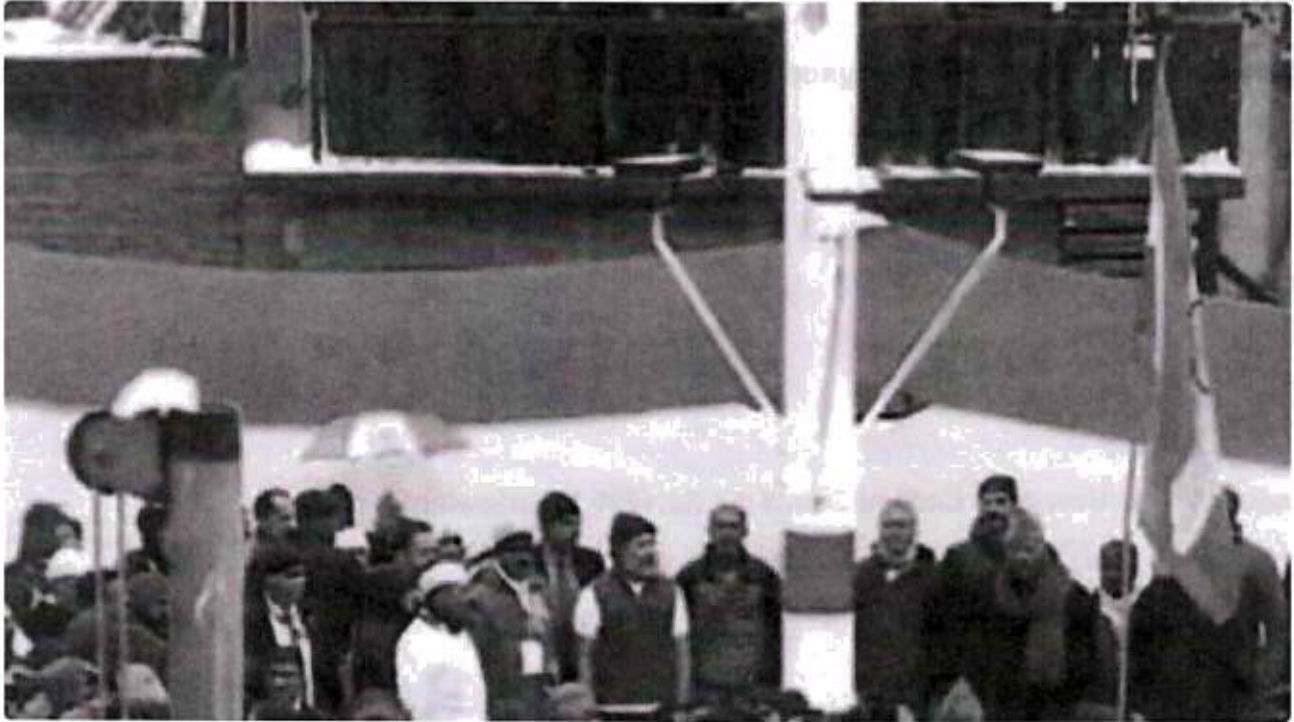
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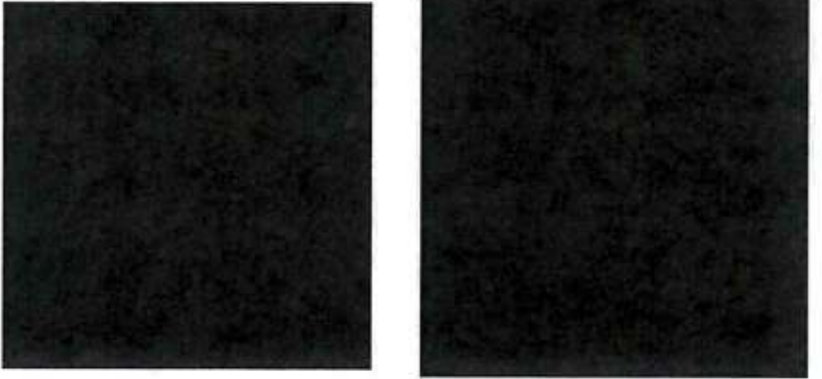
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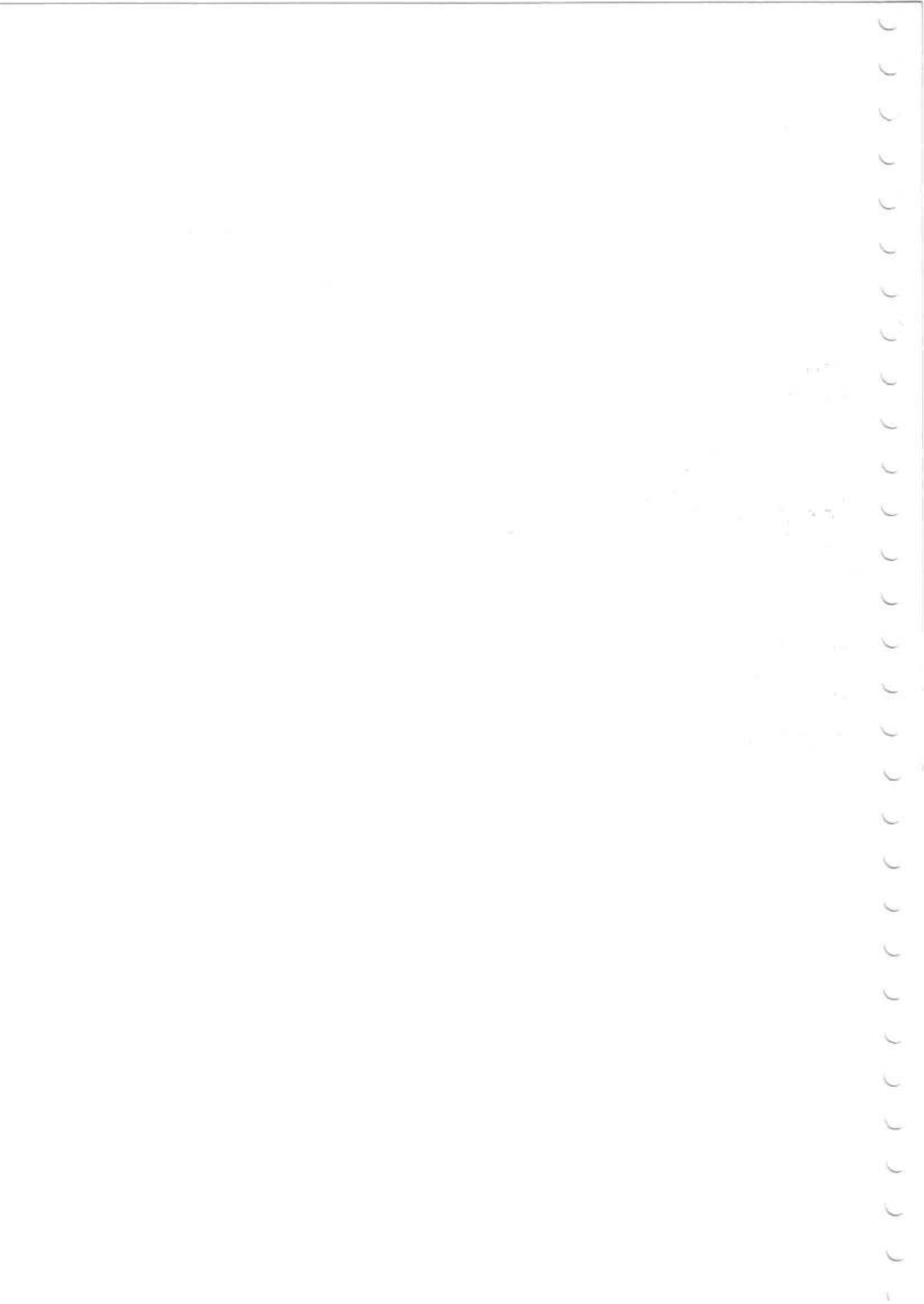
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Kaleshwaram project's fate hangs in balance

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It would require another ₹30,000 crore for the completion of the entire project, including pending payments to Bharat Heavy Electricals Limited (BHEL) for the supply of motor pumps, completion of canal works and balance works on the chain of reservoirs as part of the project.



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By Srinivasa Rao Apparasu , Hyderabad

The sudden stoppage of loans by the two central government lending agencies to the Kaleshwaram lift irrigation scheme (KLIS), being built on the Godavari river, has left the prestigious project of the Telangana government high and dry.

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The Kaleshwaram Irrigation Project Corporation (KIPC), a special purpose vehicle (SPV) floated by the Telangana government to develop, engineer and execute the KLIS by mobilising required finances by 2025, entered into a loan agreement with Power Finance Corporation (PFC) and Rural Electrification Corporation (REC), both part of the Union ministry of power, for funding the project.

As per the agreement, the PFC is supposed to lend ₹37,000 crore, while the REC would lend ₹30,000 crore for the Kaleshwaram project, the total cost of which is around ₹1.10 lakh crore. [OPEN APP](#)

"The PFC has already released 90 per cent of its agreed loan, while the REC has released around 60 per cent of the loan. But all of a sudden, both these Central financing agencies have stopped releasing the remaining amount," KIPC managing director and engineer-in-chief of the project Bhukya Hari Ram Naik told Hindustan Times.

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He said that both the PFC and REC had written to the state government in February, saying that the KIPC should enter into a revised agreement with them, involving the Reserve Bank of India (RBI), as per the directions of the central government.

"We have strongly resisted the condition, saying we shall stand only by the bi-partite agreements signed with the PFC and the REC for the loans and not a tripartite agreement, as the RBI was nowhere in the picture initially. If at all there is any such new policy, it should be made applicable for fresh loans or fresh projects and not with retrospective effect for already signed agreements," Naik said.

The corporation MD said that following the protest by the state government, the two lending agencies stopped the further release of loans. "As a result, the project works, which are nearing completion at many places, have come to a halt," he said.

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wondered how the central government could suddenly change the conditions in the lending for the Kaleshwaram project. "The state government has written a letter to the Centre registering our protest. We have threatened to move the court if the agencies fail to stick to the agreements signed earlier," Deshpande said.

He said negotiations were going on with the authorities of the PFC and REC to fulfil the lending obligation for the Kaleshwaram project as per the old agreements.

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It would require another ₹30,000 crore for the completion of the entire project, including pending payments to Bharat Heavy Electricals Limited (BHEL) for the supply of motor pumps, completion of canal works and balance works on the chain of reservoirs as part of the project.

A senior official of the state finance department said the Centre had put forth the latest condition apparently to fix a cap on off-budget borrowings by the states through corporations and fl [OPEN APP](#) "The Centre is suspecting that the states are resorting to indiscriminate borrowings over and above the limit fixed by the Centre under Fiscal Responsibility and Budget Management (FRBM) Act," he said.

According to the FRBM Act, the states cannot borrow more than 3.5% of their Gross State Domestic Product (GSDP). "But the Centre is of the view that the states are borrowing more indirectly through corporations and SPVs, which do not fall under the budgetary borrowings," the official said, adding that hence, the Centre wants to rope in the RBI to be part of the lending by the corporations.

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The Telangana government has been representing to the Centre that the Kaleshwaram lift irrigation scheme, which is aimed at irrigating 45 lakh acres in northern Telangana and providing 10 thousand million cubic feet (tmc ft) of drinking water to en route villages and 30 tmc ft for Hyderabad, be declared as a national project so that the Centre would bear 90 per cent of the project cost.

However, the Centre made it clear the Kaleshwaram project was not eligible for national project status as it had no investment clearance from the Centre. Last month, Union minister of state for Jal Shakti, Bishweswar Tudu, told the Lok Sabha, while replying to a question raised by Congress MP N Uttam Kumar Reddy that the project was not apprised by the Central Water Commission (CWC) and accepted by the advisory committee on irrigation.

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Srinivasa Rao is Senior Assistant Editor based out of Hyderabad covering developments in Andhra Pradesh and Telangana . He has over three decades of reporting experience.

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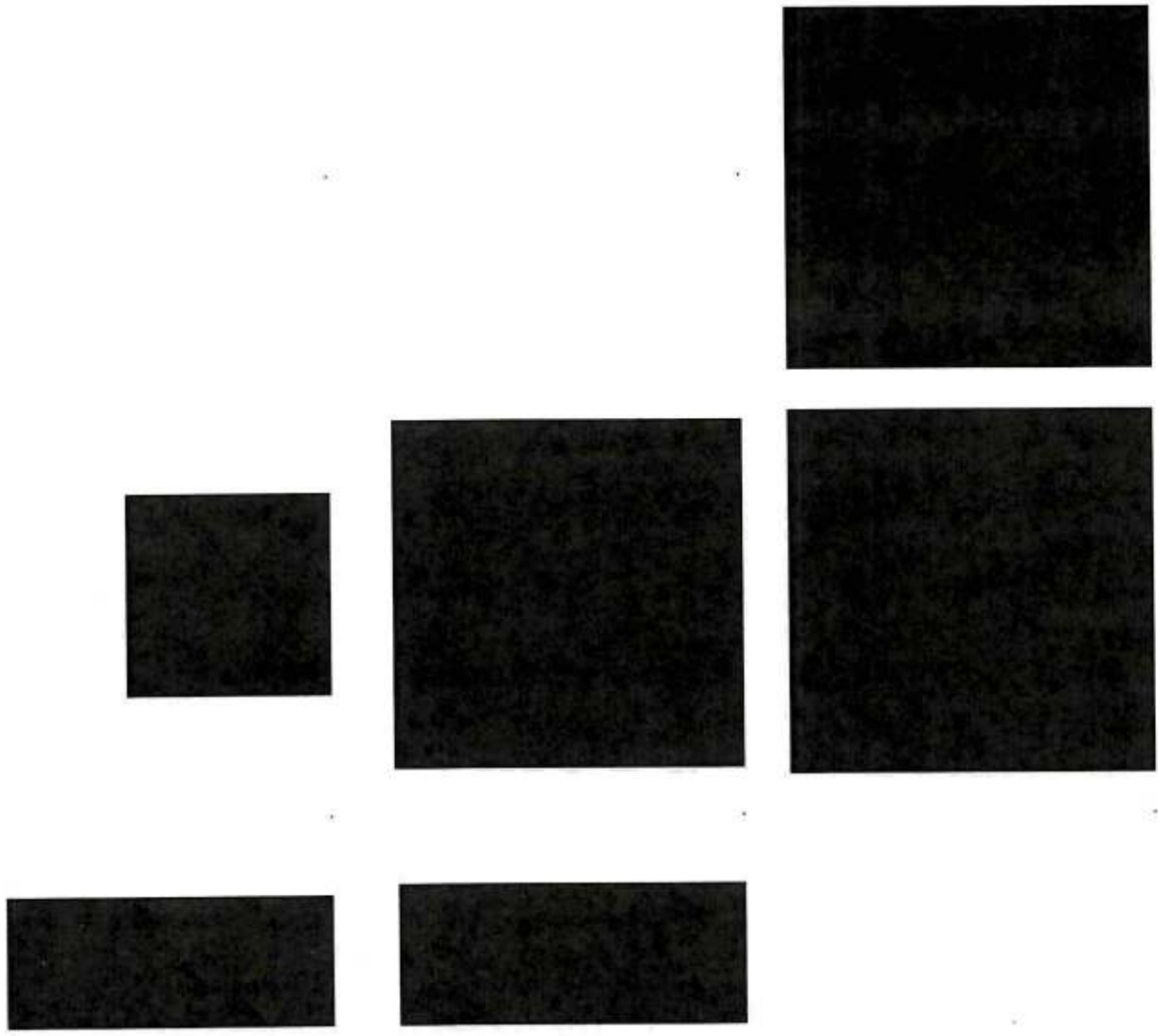
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