

BEFORE THE HON'BLE TELANGANA STATE ELECTRICITY  
REGULATORY COMMISSION

5TH FLOOR, SINGARENI BHAVAN, RED HILLS, HYDERABAD – 500 004



FILING NO. / 2024

O. P. CASE NO. 39 / 2023 and O. P. CASE NO. 40 / 2023

**IN THE MATTER OF**

Petition for determination of Additional Surcharge to be levied on Open Access consumers for the first half (H1) of Financial Year 2024-2025 as per the directions of the Hon'ble Commission in its Order dated 18.09.2020 in OP No. 23 of 2020 in accordance with the provisions of the Electricity Act, 2003 and National Tariff Policy, 2016.

**IN THE MATTER OF**

SOUTHERN POWER DISTRIBUTION COMPANY OF TELANGANA LIMITED

... APPLICANT in O.P. CASE NO. 39 / 2023

AND

NORTHERN POWER DISTRIBUTION COMPANY OF TELANGANA LIMITED

... APPLICANT in O.P. CASE NO. 40 / 2023

VERSUS

ENERSOL INFRA PVT LTD.

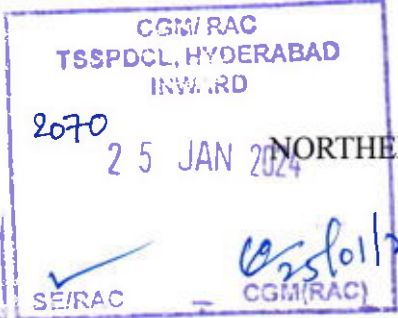
...RESPONDENT

**COMBINED REPLY TO APPLICATIONS FILED BY THE APPLICANT**

**IN O.P. CASE NO. 39/2023 AND O.P. CASE NO. 40/2023**

The Respondent respectfully submits:

1. That the whole of both the applications filed by the Applicants are identical. The Applicants are separate distribution licensees and so there should be differences in their data.
2. That, Para 1 of the application does not require a reply as it merely states the section 42(4) of the Electricity Act, 2003.



ADE2/RAC  
25/1

3. That, Para 2 of the application does not require a reply as it merely states the regulation 17.1(iv) of Regulation No. 2 of 2005 adopted by the Hon'ble Telangana State Electricity Regulatory Commission, hereinafter, the Hon'ble TSERC, vide Regulation 1 of 2014.
4. That, Para 3 of the application does not require a reply as it merely states the clause 8.5.4 of the National Tariff Policy 2016 dated 28.01.2016, hereinafter, the NTP-2016.
5. That, Para 4 of the application does not require a reply as it merely states the order of the Hon'ble TSERC vide its order in the O.P.No.23 of 2020 dated 18.09.2020.
6. That, Para 5 of the application does not require a reply as it merely states that the applicant was directed to file their assessment of Additional Surcharge for the first and second halves of the FY2024-2025 within their corresponding due dates.
7. That, in reply to Para 6 of the application, the basis of purchasing power under "Short-Term Purchases Capacity" be provided to the Respondent. Further, the "Scheduled Capacity" is significantly lower than the "Available Capacity" for all months of the first half of FY2024-2025 and so the reasons for purchasing power in all these months is not clear.
8. That, in reply to Para 6 of the application, the basis/formula of arriving at "(Deficit)/Surplus after netting of Short-Term Purchases" be provided to the Respondent. It is also not evident from the table provided in Para 6.
9. That, in reply to Para 6 of the application, the "Audited data" used to arrive at the "OA Scheduled Capacity" and "Stranded Capacity" be provided to the Respondent or be made publicly available on the website of the Applicant.
10. That, in reply to Para 6 of the application, the "Audited data" used to arrive at the "fixed charges paid for H1 of FY2023-24" of Rs. 5948.42 Crores be

provided to the Respondent or be made publicly available on the website of the Applicant.

11. That, in reply to Para 6 of the application, the “Audited data” used to arrive at the “transmission charges paid by the Licensees for H1 of FY2023-24” of Rs. 2908.67 Crores be provided to the Respondent or be made publicly available on the website of the Applicant.
12. That, in reply to Para 6 of the application, the “Audited data” used to arrive at the “Actual Energy Scheduled” of 39399.63 MU be provided to the Respondent or be made publicly available on the website of the Applicant.
13. That, in reply to Para 6 of the application, the “Audited data” used to arrive at the “Energy Consumed by OA Consumers from the DISCOMs” of 1678.38 MU be provided to the Respondent or be made publicly available on the website of the Applicant.
14. That, in reply to Para 6 of the application, the “Audited data” used to arrive at the “Demand Charges recovered by the DISCOMs from OA Consumers” of Rs. 155.57 Crores be provided to the Respondent or be made publicly available on the website of the Applicant.
15. That, in reply to Para 6 of the application, the “Audited data” used to arrive at the “Open Access Sales” of 354.75 MU be provided to the Respondent or be made publicly available on the website of the Applicant.
16. That, in reply to Para 7 of the application, the Hon’ble TSERC, before according its approval, ensure that all the stakeholders have had reasonable opportunity to study the “Audited data” used by the Applicant in arriving at the Additional Surcharge for H1 of FY2024-2025.
17. That, in reply to Para 8 of the application, the Hon’ble TSERC, may please make available the data of the Transmission Corporation of Telangana Limited, hereinafter, the TSTRANSCO, that have been used to arrive at the Additional Surcharge for H1 of FY2024-2025.

18. That the Central Government vide G.S.R.36(E) dated 10.01.2024, amended the Electricity Rules, 2005, called the Electricity (Amendment) Rules, 2024 which came into force on 10.01.2024. Accordingly, the newly inserted Rule 22(3) dealing with “Additional Surcharge” states:

*“(3) Additional Surcharge.— The additional surcharge levied on any Open Access Consumer shall not be more than the per unit fixed cost of power purchase of the distribution licensee concerned:*

*Provided that for a person availing General Network Access or Open Access, the additional surcharge shall be linearly reduced from the value in the year in which General Network Access or Open Access was granted so that, if it is continued to be availed by this person, the additional surcharge shall get eliminated within four years from the date of grant of General Network Access or Open Access:*

*Provided further that the additional surcharge shall not be applicable for Open Access Consumer to the extent of contract demand being maintained with the distribution licensees:*

*Provided also that the additional surcharge shall be applicable only for the Open Access Consumers who are or have been consumers of the concerned Distribution licensee.*

*Explanation.— For the purpose of this rule, General Network Access and Temporary-GNA shall have the same meaning as defined in the Central Electricity Regulatory Commission (Connectivity and General Network Access to the inter-State Transmission System) Regulations, 2022 as amended from time to time.”*

19. That, as per the first proviso to the aforementioned newly inserted rule, the “Additional Surcharge” shall not be levied after completion of 4 (four) years from the date of being granted Open Access.

20. That, as per the second proviso to the aforementioned newly inserted rule, the “Additional Surcharge” shall not be applicable to an Open Access Consumer to

the extent of contract demand being maintained with the distribution licensee. Thus, the “Additional Surcharge” is applicable only to the extent of power produced by the generating company from who the Open Access Consumer is purchasing power.

21. That, clause 8.5.1 of the NTP-2016 states that the “Cross-subsidy surcharge” and “Additional surcharge” shall not be onerous and shall not foster elimination of competition in the generation and supply of power directly to open access consumers.

DATE: 23.01.2024

PLACE: HYDERABAD



RESPONDENT

S. Vijaya Kumar

For ENERSOL INFRA PVT LTD

Authorised Signatory

**BEFORE THE HON'BLE TELANGANA STATE ELECTRICITY  
REGULATORY COMMISSION**  
5TH FLOOR, SINGARENI BHAVAN, RED HILLS, HYDERABAD – 500 004

**FILING NO. / 2024**

**O. P. CASE NO. 39 / 2023                      and                      O. P. CASE NO. 40 / 2023**

**IN THE MATTER OF**

Petition for determination of Additional Surcharge to be levied on Open Access consumers for the first half (H1) of Financial Year 2024-2025 as per the directions of the Hon'ble Commission in its Order dated 18.09.2020 in OP No. 23 of 2020 in accordance with the provisions of the Electricity Act, 2003 and National Tariff Policy, 2016.

**IN THE MATTER OF**

SOUTHERN POWER DISTRIBUTION COMPANY OF TELANGANA LIMITED

... APPLICANT in O.P. CASE NO. 39 / 2023

AND

NORTHERN POWER DISTRIBUTION COMPANY OF TELANGANA LIMITED

... APPLICANT in O.P. CASE NO. 40 / 2023

VERSUS

ENERSOL INFRA PVT LTD.

...RESPONDENT



**AFFIDAVIT OF RESPONDENT VERIFYING  
THE ACCOMPANYING REPLY**

I, S. Vijaya Kumar, S/o S. Raja Rao, Age: 42 yrs, Occ: Business, R/o Flat No. 302, Plot No. 44, Raga Mansion, Road No. 12, Omega Hospitals, Huda Heights, MLA Colony, Banjara Hills, Khairtabad, Hyderabad – 500 034, do hereby solemnly affirm:

I am the Managing Director of ENERSOL INFRA PVT. LTD. I am aware of all the facts of the application and competent to file this reply. A copy of the extract of the

Minutes of the Meeting of the Board of Directors of Enersol Infra Pvt. Ltd appointing Mr. S. Vijaya Kumar as the Managing Director of the Company is filed along with.

I have read and understood the application seeking determination of Additional Surcharge to be levied on Open Access consumers for the first half (H1) of FY 2024-2025. The contents of paragraphs 1 - 21 are true and correct to my knowledge.



DEPONENT

S. Vijaya Kumar

For ENERSOL INFRA PVT LTD

Authorised Signatory

#### VERIFICATION

I, S. Vijaya Kumar, S/o S. Raja Rao, Age: 42 yrs, Occ: Business, R/o Flat No. 302, Plot No. 44, Raga Mansion, Road No. 12, Omega Hospitals, Huda Heights, MLA Colony, Banjara Hills, Khairtabad, Hyderabad – 500 034, being the deponent herein, do hereby verify and state that the contents of paras 1 – 21 of the above reply are true and correct to my knowledge, no part of it is false and nothing material has been concealed therefrom.

Verified at Hyderabad, this, the 23rd day of January, 2024.



DEPONENT

S. Vijaya Kumar

For ENERSOL INFRA PVT LTD

Authorised Signatory

**BEFORE THE HON'BLE TELANGANA STATE ELECTRICITY  
REGULATORY COMMISSION**  
5TH FLOOR, SINGARENI BHAVAN, RED HILLS, HYDERABAD – 500 004

**FILING NO. / 2024**

**O. P. CASE NO. 39 / 2023      and      O. P. CASE NO. 40 / 2023**

**IN THE MATTER OF**

Petition for determination of Additional Surcharge to be levied on Open Access consumers for the first half (H1) of Financial Year 2024-2025 as per the directions of the Hon'ble Commission in its Order dated 18.09.2020 in OP No. 23 of 2020 in accordance with the provisions of the Electricity Act, 2003 and National Tariff Policy, 2016.

**IN THE MATTER OF**

**SOUTHERN POWER DISTRIBUTION COMPANY OF TELANGANA LIMITED**

... APPLICANT in O.P. CASE NO. 39 / 2023

AND

**NORTHERN POWER DISTRIBUTION COMPANY OF TELANGANA LIMITED**

... APPLICANT in O.P. CASE NO. 40 / 2023

VERSUS

**ENERSOL INFRA PVT LTD.**

...RESPONDENT

**MEMO FILING PROOF OF SERVICE OF COPIES OF REPLY ON ABOVE  
APPLICANTS**

1. A copy of the above reply has been sent by Registered Post to the applicants in the above captioned Original Petitions.
2. Proof of service of copies of reply is attached along with.


DEPONENT

S. Vijaya Kumar

For ENERSOL INFRA PVT LTD

Authorised Signatory