



TELANGANA ELECTRICITY REGULATORY COMMISSION
'Vidyut Niyamtran Bhavan', G.T.S. Colony, Kalyan Nagar, Hyderabad 500 045

O. P. No. 26 of 2020

Dated 22.10.2024

Present

Sri. T. Sriranga Rao, Chairman
Sri. M. D. Manohar Raju, Member (Technical)
Sri. Bandaru Krishnaiah, Member (Finance)

Between:

M/s Arhyama Solar Power Private Limited,
Margi Building, Room No.201 & 202,
8-3-224/4/A/11 & 12, Madhuranagar,
Yousufguda Main Road, Hyderabad 500 038.

... Petitioner

AND

1. Southern Power Distribution Company of Telangana Limited,
Mint Compound, Secretariat Road
Hyderabad, Telangana.
2. Chief General Manager (Revenue),
TGSPDCL, Mint Compound,
Secretariat Roaf, Hyderabad, Telangana.
3. Senior Accounts Officer,
TGSPDCL, Operation Circle,
Sangareddy, Telangana.
4. Senior Accounts Officer,
TGSPFCL, Operation Circle,
Medchal, Telangana

... Respondent

This petition has come up for hearing on 29.10.2020, 19.11.2020, 11.12.2020 and 17.12.2020., 07.01.2021, 28.01.2021, 18.02.2021, 15.03.2021, 09.06.2021, 15.07.2021 and 01.07.2024 Sri. M. Sridhar, Advocate representing Sri. Challa Gunaranjan, counsel for the petitioner appeared on 29.10.2020 and 15.07.2021. Sri. Challa Gunaranjan counsel for the petitioner appeared on 19.11.2020, 11.12.2020,

17.12.2020, 18.02.2021 and 15.03.2021. Sri. Deepak Chowdary Advocate representing Sri. Challa Gunaranjan, counsel for the petitioner appeared on 07.01.2021 09.06.2021 and on 01.07.2024. Sri. Chakrapani Advocate representing Sri. Challa Gunaranjan, counsel for the petitioner appeared on 28.01.2021 and Sri. Sridhar Advocate representing Sri. Challa Gunaranjan, counsel for the petitioner appeared on 15.07.2021. Sri. Mohammad Bande Ali, Law Attaché being the representative of the respondents had appeared on 29.10.2020, 19.11.2020, 11.12.2020 and 17.12.2020., 07.01.2021, 28.01.2021, 18.02.2021, 15.03.2021, 29.04.2021, 09.06.2021, 15.07.2021 and 01.07.2024. The counsel for petitioner appeared through either virtual and physical mode on the above said dates as the case may be. The hearing scheduled on 11.11.2020 and 29.04.2021 was adjourned due to administrative reasons. The matter having stood over consideration the Commission passed the following:

ORDER

M/s. Arhyama Solar Power Private Limited (petitioner) has filed a petition under section 86 (1) (f) of the Electricity Act, 2003 (Act, 2003) seeking direction to the Southern Power Distribution Company of Telangana Limited (TGSPDCL) to implement the provisions of Regulation No. 2 of 2006 as amended from time to time and not to levy time of the day charges.

2. The petitioner has sought the following prayer in the petition:
 - a. *To direct the respondents to correct the billing methodology of respondent as per provision of Regulation No.2 of 2006 and amendments thereof and not to levy time of the day charge for the units supplied by the solar O.A generators.*
 - b. *Direct the respondent to refund the entire excess billed amount, in the previous month bills as per the provisions of Regulation No.2 of 2006 and amendments thereof.*
3. The petition has come up for hearing on several days as mentioned in the preamble to this order and underwent adjournments at the behest of parties or for the administrative reasons of the Commission. The said record of proceedings is extracted for ready reference.

Record of proceedings dated 29.10.2020

“... .. The counsel for the petitioner stated that the matter is with regard to the implementation of the order of the Commission passed in O. P. No.10 of 2017. The representative of the respondents sought time for filing the counter affidavit

and also requested that the matter may be taken up along with the review petition filed by the respondent.”

Record of proceedings dated 19.11.2020

“... .. The counsel for the petitioner stated that the respondents in the petition have filed a review petition alongwith an application for condoning the delay in filing the review petition. Both the matters can be heard together and the petitioner in this case has filed its counter affidavit to the application for condoning the delay in filing the review petition. The representative of the respondents sought further time for filing counter affidavit in this petition. He also stated that the matter may be adjourned by three weeks so as to enable the respondents to be ready with the arguments by filing counter affidavit in this matter, to which the counsel for the petitioner has no objection.”

Record of proceedings dated 11.12.2020

“... .. The counsel for the petitioner stated that the respondents are yet to file counter affidavit in the matter, though the time was sought earlier for the said purpose. The representative of the DISCOM stated that the counter affidavit has been filed before the Commission on 03.12.2020. The counsel for the petitioner stated that he is yet to receive a copy of the counter affidavit. Accordingly, the Commission directed the DISCOM to furnish a copy of the counter affidavit immediately and adjourned the matter”

Record of proceedings dated 17.12.2020

“... .. The counsel for the petitioner stated that the counter affidavit in the matter is yet to be filed. As the Commission is required to decide the review petition, which is heard today insofar as condoning the delay in the review petition, a decision in that matter has a bearing on this matter and hence may be taken up later. The representative of the respondent, while agreeing with the counsel for the petitioner, stated that the Commission may adjourn the matter to any other date. Accordingly, as the Commission has already reserved the interlocutory application in the review petition on the aspect of condoning the delay, this petition is adjourned to 07.01.2021”.

Record of proceedings dated 07.01.2021

“... .. The counsel for the petitioner stated that the counter affidavit in the matter is yet to be filed. The Commission had already heard the review petition connected to this matter and orders are awaited in the matter as regards to condoning the delay in filing review petition. The representative of the respondents concurred with the submissions of the counsel for the petitioner. Accordingly, the matter is adjourned”

Record of proceedings dated 28.01 .2021

“... .. The counsel for the petitioner sought time seeking to argue the matter. The representative of the licensee stated that the counter affidavit had already been filed. The counsel for the petitioner stated that he is yet to receive a copy of the same. The respondents shall make available a copy of the counter affidavit immediately. The counsel for the petitioner sought time for filing rejoinder also. He is permitted to do so on or before 18.02.2021 by duly serving a copy to the respondents. Accordingly, the matter is adjourned”.

Record of proceedings dated 18.02 .2021

“... .. The counsel for petitioner stated that the petition is filed for implementation of the order of the Commission and the Commission had also rejected the review petition filed by the respondent herein. The only issue that remains for consideration is the status of implementing the order of the Commission as the order passed by the Commission has become final. The respondent has to report to the Commission about the compliance of the order. The representative of the respondent sought time for reporting in the matter by obtaining the instructions from his office. The Commission made it clear that the respondent shall immediately implement the order and report the same. The matter is adjourned for the said purpose only”.

Record of proceedings dated 15.03.2021

“... .. The counsel for petitioner stated that the respondents have neither stated nor informed about the implementation of the order of the Commission. The representative of the respondents stated that they have filed writ petition before the Hon'ble High Court and it is likely to be listed during the course of this week. In view of the position stated by the respondents, the matter is adjourned.”

Record of proceedings dated 29.04 .2021

“... .. The hearing is adjourned due to administrative reasons. New date will be intimated separately”.

Record of proceedings dated 09.06 .2021

“... .. The counsel for petitioner stated that the respondents have neither stated nor informed about the implementation of the order of the Commission. He also stated that the DISCOM has approach the Hon'ble High Court and obtain order of stay of implementation of the order passed by the Commission. The representative of the respondents confirmed the statement of counsel for petitioner. In view of the position stated by the parties the matter is adjourned”

Record of proceedings dated 15.07.2021

“... .. The counsel for petitioner stated that the Commission has required the compliance of the order passed by it. However, the respondents have approached the Hon'ble High Court and obtained stay orders. The representative of the respondents stated that the stay has been obtained by the respondents from the Hon'ble High Court. In view of the above position, the matter is adjourned without any date and the next date of hearing will be intimated to the parties.”

Record of proceedings dated 01.07.2024

“... .. The advocate representing the counsel for petitioner stated that the respondents have filed writ petition before the Hon'ble High Court and the same is still pending consideration. The representative of the respondents stated that since the order of the Commission is under challenge, the same may not be proceeded with. However, the advocate representing the counsel for petitioner stated that he is inclined to accept that this petition be disposed of by giving liberty to the petitioner to approach the Commission as and when the writ petition is disposed of by the Hon'ble High Court. In view of the concession made by the advocate representing the counsel for petitioner, the Commission is inclined to dispose of the original petition as not pressed with a liberty to

approach the Commission after disposal of the writ petition by the Hon'ble High Court. Accordingly, the matter is reserved for orders".

3. The advocate representing the counsel for petitioner state that on instructions the counsel is inclined to withdraw the original petition and file a fresh petition as an when the Hon'ble High Court disposed of the pending writ proceedings initiate by the respondent. In view of the above submission made by the counsel for petitioner is permitted to withdraw the petition with liberty to approach the Commission after the conclusion of proceedings before the Hon'ble High Cout if so required or desired.

4. In the circumstances the petition is disposed of as withdrawn with a liberty to file a fresh petition after conclusion of the writ proceedings in the Hon'ble Hogh Court if so required or desired. There shall be no costs.

This order is corrected and signed on this the 22nd day of October 2024.

Sd/- (BANDARU KRISHNAIAH) MEMBER	Sd/- (M. D. MANOHAR RAJU) MEMBER	Sd/- (T. SRIRANGA RAO) CHAIRMAN
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