

### Record of proceedings dated 01.07.2024

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

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

Sri. Deepak Chowdary, Advocate representing Sri. Challa Gunaranjan, Counsel for petitioner and Sri. Mohammad Bande Ali, Law Attaché being the representative of the respondents have appeared in the matter. The advocate representing the counsel for petitioner stated that the matter involves implementation of the order of the CGRF and the respondents earlier approached the Hon'ble High Court questioning the order of the CGRF. The same is still pending consideration by the Hon'ble High Court. The representative of the respondents stated that the matter can be considered and disposed of and if aggrieved, the petitioner will be at liberty to approach the Commission again. The advocate representing the counsel for petitioner agreed to make submissions in the matter. Accordingly, the matter is posted for hearing.

Call on 15.07.2024 at 11.30 A.M.

Sd/-  
Member

Sd/-  
Member

Sd/-  
Chairman

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

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

Sri. B. R. P. Srivastav, representing Sri. N. Vinesh Raj, counsel for petitioner and Sri. Mohammad Bande Ali, Law Attaché being the representative of the respondents have appeared in the matter. The person representing the counsel for petitioner stated that the counsel is otherwise engaged and that therefore, the matter may be taken up on any other day. The representative of the respondents stated that though the respondents have approached the Hon'ble High Court against the order of the

CGRF, yet as this petition is relating to implementation of the order and as such can be proceeded with. Accordingly, the matter is posted for hearing.

Call on 15.07.2024 at 11.30 A.M.

Sd/-  
Member

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Member

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Chairman

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

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

Sri. B. R. P. Srivastav representing Sri. N. Vinesh Raj, counsel for petitioner and Sri. Mohammad Bande Ali, Law Attaché being the representative of the respondents have appeared in the matter. The person representing the counsel for petitioner stated that the counsel is otherwise engaged and that therefore, the matter may be taken up on any other day. The representative of the respondents stated that though the respondents have approached the Hon'ble High Court against the order of the CGRF, yet as this petition is relating to implementation of the order and as such can be proceeded with. Accordingly, the matter is posted for hearing.

Call on 15.07.2024 at 11.30 A.M.

Sd/-  
Member

Sd/-  
Member

Sd/-  
Chairman

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

Petition filed seeking certain directions to APGENCO and APDISCOMs..

Sri. J. Rajesh, Advocate representing Sri. Y. Rama Rao, counsel for petitioners and Sri. P. Shiva Rao, Advocate for respondents have appeared in the matter. The advocate representing the counsel for petitioner stated that the counsel for petitioners is no longer being engaged by the petitioners. Hence, the counsel for petitioners is not authorized to represent the matter. Accordingly, notice may be issued to the original petitioners in the matter. The counsel for respondents agreed with the submissions of the advocate representing the counsel for petitioners.

Noticing the difficulty of non-appearance of the petitioners in the matter, the office is directed to issue notice to the petitioners. Accordingly, the matter is adjourned.

Call on 15.07.2024 at 11.30 A.M.

Sd/-  
Member

Sd/-  
Member

Sd/-  
Chairman

Case No.	Name of the Petitioner(s)	Name of the Respondent(s)
O. P. No. 26 of 2020	M/s. Arhyama Solar Power Private Ltd.	TGSPDCL, CGM (Revenue), SAO (OC), Sanga Reddy & SAO (OC) Medchal

Petition filed seeking punishment against the R-1 to R-4 for non-compliance of the order dated 17.07.2018 in O. P. No. 10 of 2017 passed by the Commission.

Sri. Deepak Chowdary, Advocate representing Sri. Challa Gunaranjan, Counsel for petitioner and Sri. Mohammad Bande Ali, Law Attaché being the representative of the respondents have appeared in the matter. The advocate representing the counsel for petitioner stated that 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.

Sd/-  
Member

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Chairman

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

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

Sri. B. R. P. Srivastav representing Sri. N. Vinesh Raj, counsel for petitioner and Sri. Mohammad Bande Ali, Law Attaché being the representative of the respondents

have appeared in the matter. The person representing the counsel for petitioner stated that the matter, which is pending before the Hon'ble High Court, has been heard and the same is reserved for orders. This fact is confirmed by the representative of the respondents. In view of the submissions of the parties, the matter is posted for hearing.

Call on 22.08.2024 at 11.30 A.M.

Sd/-  
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Chairman

Case No.	Name of the Petitioner(s)	Name of the Respondent(s)
O. P. No. 38 of 2021	M/s. Sri Ambika Steel Industries	TGSPDCL & its officers

Petition filed seeking penal action against the TGSPDCL and its officers for non-compliance of the directions given in the order dated 09.09.2021.

Sri. B. R. P. Srivastav representing Sri. N. Vinesh Raj, counsel for petitioner and Sri. Mohammad Bande Ali, Law Attaché being the representative of the respondents have appeared in the matter. The person representing the counsel for petitioner stated that the appeal filed by the respondents is still pending consideration before the Hon'ble ATE. This fact is confirmed by the representative of the respondents. In view of the status of the matter before the appellate authority, the petition is adjourned without any date. It is made clear that the petitioner or the respondents shall place on record the information about the disposal of the appeal by the Hon'ble ATE by filing a memo soon after disposal of the same.

Sd/-  
Member

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Member

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Chairman

Case No.	Name of the Petitioner(s)	Name of the Respondent(s)
O. P. No.72 of 2022	M/s. Sunshakti Solar Power Projects Pvt. Ltd.	TGNPDCL & its officer

Petition filed seeking extension of SCOD and consequential relief.

Ms. Meghana Sarma, counsel for petitioner and Sri. Mohammad Bande Ali, Law Attaché being the representative of the respondents have appeared in the matter. The counsel for petitioner stated that a similar matter is still pending consideration before the Hon'ble ATE. This fact is confirmed by the representative of the respondents. In view of the status of the matter before the appellate authority, the petition is adjourned without any date. It is made clear that the petitioner or the

respondents shall place on record the information about the disposal of the appeal by the Hon'ble ATE by filing a memo soon after disposal of the same.

Sd/-  
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Chairman

Case No.	Name of the Petitioner(s)	Name of the Respondent(s)
O. P. No. 74 of 2022	M/s. Dinkar Technologies Private Limited	TGSPDCL

Petition filed seeking extension of SCOD and consequential reliefs.

Ms. Meghana Sarma, counsel for petitioner and Sri. Mohammad Bande Ali, Law Attaché being the representative of the respondent have appeared in the matter. The counsel for petitioner stated that a similar matter is still pending consideration before the Hon'ble ATE. This fact is confirmed by the representative of the respondents. In view of the status of the matter before the appellate authority, the petition is adjourned without any date. It is made clear that the petitioner or the respondents shall place on record the information about the disposal of the appeal by the Hon'ble ATE by filing a memo soon after disposal of the same.

Sd/-  
Member

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Member

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Chairman

Case No.	Name of the Petitioner(s)	Name of the Respondent(s)
O. P. (SR) No. 21 of 2024 & I. A. (SR) No. 22 of 2024	TGSPDCL	-None-

Petition filed seeking determination of fuel cost adjustment for 1<sup>st</sup> quarter of 2023-24.

I. A. filed seeking condonation of delay in filing the petition.

Sri. Mohammad Bande Ali, Law Attaché being the representative of the petitioner along with Sri. Sunil Kumar, DE (RAC) have appeared in the matter. The representative of the petitioner stated that the petition is filed for ratification of the fuel cost adjustment charges for 1<sup>st</sup> quarter of FY 2023-24. There is a delay in filing the proposals. The Commission sought to know from the representatives of the petitioner as to why the regulation is not implemented by levying the FCA charges on the consumers. It is stated that they have addressed the issue to the Government of Telangana requiring it to give instructions and also provide subventions, if any. On the particular question as to why the regulation has not been implemented

thoroughly, there is no specific or appropriate reply from the representatives, except reiterating the submissions made above. In view of the untenable reasons and non-compliance of the regulation with regard to levy and collection of FCA charges, ratification of such levy would not arise. Accordingly, the matter is reserved for orders.

Sd/-  
Member

Sd/-  
Member

Sd/-  
Chairman

Case No.	Name of the Petitioner(s)	Name of the Respondent(s)
O. P. (SR) No. 23 of 2024 & I. A. (SR) No. 24 of 2024	TGSPDCL	-None-

Petition filed seeking determination of fuel cost adjustment for 2<sup>nd</sup> quarter of 2023-24.

I. A. filed seeking condonation of delay in filing the petition.

Sri. Mohammad Bande Ali, Law Attaché being the representative of the petitioner along with Sri. Sunil Kumar, DE (RAC) have appeared in the matter. The representative of the petitioner stated that the petition is filed for ratification of the fuel cost adjustment charges for 2<sup>nd</sup> quarter of FY 2023-24. There is a delay in filing the proposals. The Commission sought to know from the representatives of the petitioner as to why the regulation is not implemented by levying the FCA charges on the consumers. It is stated that they have addressed the issue to the Government of Telangana requiring it to give instructions and also provide subventions, if any. On the particular question as to why the regulation has not been implemented thoroughly, there is no specific or appropriate reply from the representatives, except reiterating the submissions made above. In view of the untenable reasons and non-compliance of the regulation with regard to levy and collection of FCA charges, ratification of such levy would not arise. Accordingly, the matter is reserved for orders.

Sd/-  
Member

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Chairman

Case No.	Name of the Petitioner(s)	Name of the Respondent(s)
O. P. (SR) No. 25 of 2024 & I. A. (SR) No. 26 of 2024	TGSPDCL	-None-

Petition filed seeking determination of fuel cost adjustment for 3<sup>rd</sup> quarter of 2023-24.

I. A. filed seeking condonation of delay in filing the petition.

Sri. Mohammad Bande Ali, Law Attaché being the representative of the petitioner along with Sri. Sunil Kumar, DE (RAC) have appeared in the matter. The representative of the petitioner stated that the petition is filed for ratification of the fuel cost adjustment charges for 3<sup>rd</sup> quarter of FY 2023-24. There is a delay in filing the proposals. The Commission sought to know from the representatives of the petitioner as to why the regulation is not implemented by levying the FCA charges on the consumers. It is stated that they have addressed the issue to the Government of Telangana requiring it to give instructions and also provide subventions, if any. On the particular question as to why the regulation has not been implemented thoroughly, there is no specific or appropriate reply from the representatives, except reiterating the submissions made above. In view of the untenable reasons and non-compliance of the regulation with regard to levy and collection of FCA charges, ratification of such levy would not arise. Accordingly, the matter is reserved for orders.

Sd/-  
Member

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Member

Sd/-  
Chairman

Case No.	Name of the Petitioner(s)	Name of the Respondent(s)
O. P. (SR) No. 27 of 2024	TGSPDCL	-None-

Petition filed seeking determination of fuel cost adjustment for 4<sup>th</sup> quarter of 2023-24.

Sri. Mohammad Bande Ali, Law Attaché being the representative of the petitioner along with Sri. Sunil Kumar, DE (RAC) have appeared in the matter. The representative of the petitioner stated that the petition is filed for ratification of the fuel cost adjustment charges for 4<sup>th</sup> quarter of FY 2023-24. The Commission sought to know from the representatives of the petitioner as to why the regulation is not implemented by levying the FCA charges on the consumers. It is stated that they have addressed the issue to the Government of Telangana requiring it to give instructions and also provide subventions, if any. On the particular question as to why the regulation has not been implemented thoroughly, there is no specific or appropriate reply from the representatives, except reiterating the submissions made above. In view of the untenable reasons and non-compliance of the regulation with

regard to levy and collection of FCA charges, ratification of such levy would not arise. Accordingly, the matter is reserved for orders.

Sd/-  
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Chairman

Case No.	Name of the Petitioner(s)	Name of the Respondent(s)
O. P. (SR) No. 28 of 2024 & I. A. (SR) No. 32 of 2024	TGNPDCL	-None-

Petition filed seeking determination of fuel cost adjustment for 1<sup>st</sup> quarter of 2023-24.

I. A. filed seeking condonation of delay in filing the petition.

Sri. Mohammad Bande Ali, Law Attaché being the representative of the petitioner along with Sri. K. Thirmal Rao, CGM have appeared in the matter. The representative of the petitioner stated that the petition is filed for ratification of the fuel cost adjustment charges for 1<sup>st</sup> quarter of FY 2023-24. There is a delay in filing the proposals. The Commission sought to know from the representatives of the petitioner as to why the regulation is not implemented by levying the FCA charges on the consumers. It is stated that they have addressed the issue to the Government of Telangana requiring it to give instructions and also provide subventions, if any. On the particular question as to why the regulation has not been implemented thoroughly, there is no specific or appropriate reply from the representatives, except reiterating the submissions made above. In view of the untenable reasons and non-compliance of the regulation with regard to levy and collection of FCA charges, ratification of such levy would not arise. Accordingly, the matter is reserved for orders.

Sd/-  
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Chairman

Case No.	Name of the Petitioner(s)	Name of the Respondent(s)
O. P. (SR) No. 29 of 2024 & I. A. (SR) No. 33 of 2024	TGNPDCL	-None-

Petition filed seeking determination of fuel cost adjustment for 2<sup>nd</sup> quarter of 2023-24.

I. A. filed seeking condonation of delay in filing the petition.



Sri. Mohammad Bande Ali, Law Attaché being the representative of the petitioner along with Sri. K. Thirmal Rao, CGM have appeared in the matter. The representative of the petitioner stated that the petition is filed for ratification of the fuel cost adjustment charges for 2<sup>nd</sup> quarter of FY 2023-24. There is a delay in filing the proposals. The Commission sought to know from the representatives of the petitioner as to why the regulation is not implemented by levying the FCA charges on the consumers. It is stated that they have addressed the issue to the Government of Telangana requiring it to give instructions and also provide subventions, if any. On the particular question as to why the regulation has not been implemented thoroughly, there is no specific or appropriate reply from the representatives, except reiterating the submissions made above. In view of the untenable reasons and non-compliance of the regulation with regard to levy and collection of FCA charges, ratification of such levy would not arise. Accordingly, the matter is reserved for orders.

Sd/-  
Member

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Member

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Chairman

Case No.	Name of the Petitioner(s)	Name of the Respondent(s)
O. P. (SR) No. 30 of 2024 & I. A. (SR) No. 34 of 2024	TGNPDCL	-None-

Petition filed seeking determination of fuel cost adjustment for 3<sup>rd</sup> quarter of 2023-24.

I. A. filed seeking condonation of delay in filing the petition.

Sri. Mohammad Bande Ali, Law Attaché being the representative of the petitioner along with Sri. K. Thirmal Rao, CGM have appeared in the matter. The representative of the petitioner stated that the petition is filed for ratification of the fuel cost adjustment charges for 3<sup>rd</sup> quarter of FY 2023-24. There is a delay in filing the proposals. The Commission sought to know from the representatives of the petitioner as to why the regulation is not implemented by levying the FCA charges on the consumers. It is stated that they have addressed the issue to the Government of Telangana requiring it to give instructions and also provide subventions, if any. On the particular question as to why the regulation has not been implemented thoroughly, there is no specific or appropriate reply from the representatives, except reiterating the submissions made above. In view of the untenable reasons and non-

compliance of the regulation with regard to levy and collection of FCA charges, ratification of such levy would not arise. Accordingly, the matter is reserved for orders.

Sd/-  
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Chairman

Case No.	Name of the Petitioner(s)	Name of the Respondent(s)
O. P. (SR) No. 31 of 2024 & I. S. (SR) No. 35 of 2024	TGSPDCL	-None-

Petition filed seeking determination of fuel cost adjustment for 4<sup>th</sup> quarter of 2023-24.

Sri. Mohammad Bande Ali, Law Attaché being the representative of the petitioner along with Sri. K. Thirmal Rao, CGM have appeared in the matter. The representative of the petitioner stated that the petition is filed for ratification of the fuel cost adjustment charges for 4<sup>th</sup> quarter of FY 2023-24. There is a delay in filing the proposals. The Commission sought to know from the representatives of the petitioner as to why the regulation is not implemented by levying the FCA charges on the consumers. It is stated that they have addressed the issue to the Government of Telangana requiring it to give instructions and also provide subventions, if any. On the particular question as to why the regulation has not been implemented thoroughly, there is no specific or appropriate reply from the representatives, except reiterating the submissions made above. In view of the untenable reasons and non-compliance of the regulation with regard to levy and collection of FCA charges, ratification of such levy would not arise. Accordingly, the matter is reserved for orders.

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Chairman

Case No.	Name of the Petitioner(s)	Name of the Respondent(s)
R. P. No. 1 of 2024 in O. P. No. 22 of 2023 (Suo motu)	M/s. ITC Limited	TGSLDC

Review petition filed seeking review of the order dated 27.03.2024 passed in O. P. No. 22 of 2023.

Sri. Gopal Chowdary, Advocate representing Sri. Challa Gunaranjan, Counsel for review petitioner and Sri. Mohammad Bande Ali, Law Attaché being the representative of the respondent have appeared in the matter. The advocate representing the counsel for review petitioner stated that the issue is with regard to specific observations of the Commission in the order under review. Moreover, the order passed by the Commission had specified the penalty without even giving an opportunity to the entities which have not complied with the regulation. Also, it is stated that imposing penalty cannot be done across the board on all the affected entities which are not complied with the regulation. Imposing penalty would depend on each case and each of the respective facts and circumstances after putting such entity on notice as to the liability towards such penalty. It is also stated that in the Commission itself had issued a corrigendum in the matter stating that the order is not applicable to the matters where cases are pending before the superior fora. In that view of the matter, levying penalty and taking decision thereof does not arise. Accordingly, the advocate representing the counsel for review petitioner stated that the review can be disposed of on two grounds, namely, (a) there is no penalty as there is no decision and (b) quantum of penalty will be decided after the decision of the court of law on the appeals.

The representative of the respondent stated that the Commission had already clarified the position and respondent had nothing more to add in the matter. As such, the Commission may consider and pass appropriate orders on the basis of counter affidavit. Having heard the parties, the review petition is reserved for orders.

Sd/-  
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Sd/-  
Chairman

Case No.	Name of the Petitioner(s)	Name of the Respondent(s)
O. P. No. 3 of 2024 & I. A. No. 1 of 2024	M/s. Hyderabad MSW Energy Solutions Private Limited	TSSPDCL & TSTRANSCO

Petition filed seeking directions to the respondents for payment of outstanding bills along with interest towards sale of energy in terms of PPA and other reliefs. 09.05.2023 to 16.05.2023 and consequential reliefs.

I. A. filed exparte ad interim order directing the respondent No. 1 to make an upfront payment of 50% of the amount outstanding to the tune of INR 26,20,03,853/- as on 08.12.2023.

Sri. Matrugupta Mishra, Counsel for petitioner along with Sri. Nipun Dave, Advocate and Sri. Mohammad Bande Ali, Law Attaché being the representative of the respondents have appeared in the matter. The counsel for petitioner stated that the petitioner is filing the present petition with regard to amounts due to it towards power supply within the PLF in terms of the PPA. Earlier, the petitioner had filed the petition in O. P. No. 73 of 2022 with regard to calculation of PLF and amounts due and payable thereof. The distinction between both the petitions is that the petitioner is now seeking the relief only to the extent of amounts payable towards power supply to the extent of PLF and LPS due on such payments.

The counsel for petitioner stated that the petitioner had already preferred an appeal against the order of the Commission in O. P. No. 73 of 2022 and it is pending consideration. Apart from the above, three more appeals have also been filed. However, none is related to the present petition. The core issue in this petition to be precise is non-payment of LPS amount on the amounts due towards the energy charges and which are paid belatedly. The counsel for petitioner has endeavoured to show the different aspects of the PPA and the arrangements made by the respondents for payment of the amounts due towards energy supplied.

The counsel for petitioner sought to explain how the amount towards energy is due and have been paid belatedly to the petitioner. The arrangements made by the respondents with the financial institutions towards clearing the arrears of energy charges is stated and it is explained that the respondents are entitled to make payment in forty instalments, if the gross amount crosses Rs.4,000 crores. However, in the case of the petitioner, the respondents had disbursed the amount within 12 instalments from July 2022 to July 2023. Now the respondents are liable to pay the LPS amount as has been mentioned in the petition and further amounts till such dues are cleared.

The counsel for petitioner stated that right from the inception when the plant is synchronized and started commercial operation, the invoices were honoured belatedly ranging from six months to one year. Thus, the respondents are liable to pay LPS in terms of the PPA.

The counsel for petitioner pointed out that the Government of India had notified the LPS rules, which are binding on the respondents and it has to comply with the same. The counsel for petitioner explained the provisions which are applicable in the instant case and also stated that as the PPA provided for the same, the formula provided in the rules would not strictly apply as the rules themselves give liberty to the PPA to be governed in the matter.

The counsel for petitioner stated that the petitioner is relying on certain judgments of the Hon'ble Supreme Court and Hon'ble ATE. He sought to explain the same by elucidating on the relevant paragraphs in those judgments. He has sought that the prayers made in the petition be considered favourably as nothing is sought beyond the terms of the PPA.

The representative of the respondents stated that the respondents had already made arrangements for payment of the amount due to the petitioner towards the energy supplied and effected payment also through PFC and REC. The issue now remains is with regard to LPS only. The respondents have no question on the amount claimed by the petitioner towards LPS in the petition. However, it will take some time as the arrangements towards the same have to be made. The only opposition the respondents have is with regard to the claims made in terms of the LPS rules in view of the fact that the PPA itself provided for the same.

The counsel for petitioner would endeavour to submit that the petitioner had filed revised calculation along with rejoinder, wherein it has claimed roughly Rs. 322 crores towards LPS itself. However, the petitioner is not justifying the calculations at this point of time and would be seeking orders to the extent of prayers made in the petition only. The Commission may consider and pass appropriated orders in the matter.

Having heard the counsel for petitioner and representative of the respondents, the matter is reserved for orders.

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Chairman