



TELANGANA STATE ELECTRICITY REGULATORY COMMISSION
5th Floor, Singareni Bhavan, Red Hills, Lakdi-ka-pul, Hyderabad 500 004

I. A. No. 10 of 2024
in
O. P. No. 6 of 2021

Dated: 15.03.2024

Present

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

Between:

Telangana State Power Generation Corporation Limited,
Vidyut Soudha, Hyderabad – 500 082. Petitioner.

AND

-Nil- Respondent.

The application having stood over for consideration to this day, the Commission passed the following:

ORDER

The Telangana State Power Generation Corporation Limited (TSGENCO) (applicant) has filed an application under section 94 (2) of the Electricity Act, 2003 (Act, 2003) relating to determination of power generation tariff for the year 2024-25 upon expiry of the control period on 31.03.2024.

2. The applicant has stated in the application as below:

- a. The applicant stated that the multi-year tariff order dated 22.03.2022 and mid-term review order dated 23.03.2023 in O. P. No. 6 of 2021 and 78 of 2022 respectively are being implemented for the 4th control period being FY: 2019-24
- b. As per the notified MYT Regulation, 2023 being Regulation No. 2 of

2023, which took effect on 30.12.2023 effective from 01.04.2024, the applicant is required to file multi-year tariff proposals for determination of generation tariff for 5th control period from FY 2024-25 to FY 2028-29 by 31.01.2024.

- c. The applicant has filed a petition for amendment to certain clauses of Regulation No. 2 of 2023 as the clauses sought to be amended will have significant impact on the revenue and expenditure of the applicant and will adversely impact the cash flows from the first year of the control period. The Commission has returned the petition seeking certain information from the applicant and the issues raised are under examination by the applicant and requisite information is being collected for the same, the applicant requests the Commission for additional time for the same.
- d. It is stated that the multi-year tariff order dated 22.03.2022 and mid-term review order dated 23.03.2023 for fixed and energy charges determined by the the Commission in O. P No. 6 of 2021 and O. P. No. 78 of 2022 are applicable up to dated 31.03.2024.
- e. Hence, TSGENCO prays that the Commission may be pleased to pass orders that the existing fixed charges of FY: 2023-24 approved in O. P. No. 78 of 2022 and energy charges approved in O. P. No. 6 of 2021 shall continue to be applicable from 01.04.2024.

3. The Commission has framed Multi Year Tariff Regulation 2023 being Regulation No. 2 of 2023 providing for determination of tariff in respect of generation, transmission, SLDC activity, wheeling and retail supply. In accordance with the aforementioned MYT regulation the applicant is required to file MYT petitions for fixed and energy charges for the control period FY 2024-25 to FY 2028 – 29 by 31.01.2024.

4. The applicants have stated that they have sought clarification from the Commission and also filed petitions for amendment of the MYT regulation. In this regard, the Commission had already communicated vide letter dated 30.01.2024 that the Commission is not inclined to give clarification as regulation is made with previous publication, placing explanatory note, also giving statement of reasons and the

regulation is notified. In the same context, no petition for amendment of the regulation made by the Commission can be entertained.

5. The applicants have requested for additional 3 months' time for submission of ARR and tariff proposals for FY 2024-25 and the Distribution Business MYT proposals for 5th control period. The Commission has not agreed to the request of licensees for additional time and directed to comply with the provisions of Regulation No. 2 of 2023

6. In view of non-filing of petition for determination of ARR and tariff for 5th MYT being FY 2024-25 to FY 2028 – 29 by applicant, the Commission has sought the views of the licensees in its letter dated 12.03.2024 on the course of action that is being considered by the licensees when the tariffs / charges would cease to be applicable after 31.03.2024.

7. The applicant has filed interlocutory application seeking that the existing fixed and energy charges the last year of the control period that is FY 2023-24 in O. P. Nos. 6 of 2021 and 78 of 2022 shall continue from 01.04.2024 until the passing of further tariff order for generation business for the next control period from FY 2024-25 to FY 2028-29.

8. The Commission has examined and considered the application filed by applicant. The Commission is of the view that the fixed and energy charges have to be levied until the applicant files a regular petition for determination of fresh charges. Therefore, the present interlocutory application is being considered for passing appropriate orders.

9. It may be appropriate at this stage to state that the order is being passed on ad-interim measure subject to the final disposal of the application along with the regular petition for fresh charges. The same can be passed to meet the ends of justice for the present.

10. It is relevant to state here that this Commission is empowered to pass necessary interim orders in appropriate cases under section 94 (2) of the Act, 2003. In this regard the relevant provision is extracted below:

“94. Powers of Appropriate Commission:

(1)

(2) The Appropriate Commission shall have the powers to pass such interim order in any proceeding, hearing or matter before the Appropriate Commission, as that Commission may consider appropriate.

(3)

11. In the present circumstances, the Commission deems it appropriate to pass an interim order in this application on an ad-interim measure that the fixed and energy charges as existing as on 31.03.2024 is applicable from 01.04.2024 and it will be levied and collected by applicant till an order is passed by the Commission.

12. Accordingly, the fixed and energy charges as applicable on 31.03.2024 as determined in the orders dated 22.03.2022 and 23.03.2023 are applicable and can be levied by applicant from 01.04.2024 onwards pending disposal of this application finally. The applicant is directed to file the regular petition for determination of fresh fixed and energy charges for the ensuing control period (FY 2024-25 to FY 2028-29) immediately.

This order is corrected and signed on this the 15th day of March, 2024.

Sd/- (BANDARU KRISHNAIAH) MEMBER	Sd/- (M.D.MANO HAR RAJU) MEMBER	Sd/- (T. SRIRANAGA RAO) CHAIRMAN
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