



TELANGANA STATE ELECTRICITY REGULATORY COMMISSION
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PUBLIC NOTICE

I. A. No. 9 of 2017 in O. P. No. 16 of 2005,
I. A. No. 10 of 2017 in O. P. No. 13 of 2006,
I. A. No. 11 of 2017 in O. P. No. 5 of 2007,
I. A. No. 12 of 2017 in O. P. No. 73 of 2012,
I. A. No. 13 of 2017 in O. P. No. 74 of 2012,
I. A. No. 14 of 2017 in O. P. No. 75 of 2012,
I. A. No. 15 of 2017 in O. P. No. 76 of 2012,
I. A. No. 16 of 2017 in O. P. No. 77 of 2012,
O. P. No. 13 of 2017
&
O. P. No. 14 of 2017.

In the matter of fresh determination of Cross Subsidy Surcharge to be levied for the FYs 2005-06 to 2014-15 in respect of the open access consumers by TSDISCOMs under Section 42 of the Electricity Act, 2003 pursuant to directions given by the Hon'ble High Court in its common Order dated 12.02.2020 in W.P.No.21936 of 2018 & Others

1. Whereas the erstwhile Andhra Pradesh Electricity Regulatory Commission (APEREC) had initiated suo moto proceedings for determination of cross subsidy surcharge for the financial year 2005-06 in O. P. No. 16 of 2005, 2006-07 in O. P. No. 13 of 2006 and 2007-08 in O. P. No. 5 of 2007, on its file and decided the same by the order dated 21.09.2005, 29.08.2006 and 31.03.2007 (interim order) respectively holding that embedded cost methodology would be the basis for determination of CSS and determined individual figures for category-wise consumption for each DISCOM.
2. The applicants / petitioners stated that the appeals filed before the Hon'ble ATE vide Nos. 169, 170, 171, 172 of 2005, 248 and 249 of 2006 by M/s. RVK Energy and others against the orders of the then APERC in regard to determination of cross subsidy surcharge as per embedded cost methodology were allowed by

order dated 05.07.2007 directing the APERC to compute the cross subsidy surcharge, which consumers are required to pay for the use of open access in accordance with the surcharge formula specified in para 8.5 of the National Tariff Policy, 2006 for FY 2005 – 06 and onwards. The erstwhile APERC had filed Civil Appeal before the Hon'ble Supreme Court challenging the order of the Hon'ble ATE and the same were dismissed vide judgment dated 31.03.2016.

3. The erstwhile APERC had, during the pendency of the appeals before the Hon'ble Supreme Court, initiated proceedings in respect of FY 2007-08, 2008-09, 2009-10, 2010-11, 2011-12 and 2012-13 in O. P. Nos. 5 of 2007, 73 of 2012, 74 of 2012, 75 of 2012, 76 of 2012 and 77 of 2012. The then APERC had passed orders individually in the above said matters on 26.10.2012.
4. The applicants / petitioners TSDISCOMs sought fresh determination of CSS for the FY 2005-06 to 2012-13 by filing interlocutory applications in the proceedings referred to above in the light of the order of the Hon'ble Supreme Court which confirmed the orders of the Hon'ble ATE. The petitioners had also sought determination of CSS for the years 2013-14 and 2014-15, which were not decided by the erstwhile APERC in the respective years for the reasons that the year 2013-14 resulted in restriction and control measure, accordingly the same was refused, as also 2014-15 was a transition period due to formation of the state of Telangana.
5. The Commission initiated proceedings pursuant to the disposal of the civil appeals in the applications / petitions filed by the licensees on 08.08.2017. The Commission, after calling for the objections and suggestions by public notice dated 08.08.2017 decided the matter on 06.04.2018 by passing common order. The said order came to be questioned before the Hon'ble High Court in W. P. No. 21936 of 2018 and batch. A few cases in the said batch of writ petitions were disposed of by order dated 12.02.2020, duly remanding the matter back to the Commission for a fresh disposal by giving notice to the affected parties.
6. Accordingly this Commission now has taken up a fresh determination of CSS for FY 2005-06 to FY 2014-15 by following the procedure and by giving a Public Notice as well as individual notice to the affected parties. Since, the determination of CSS cannot be done for an individual consumer and is a determination based on filings of TSDISCOMs applicable to all categories of open access consumers, this Commission deems it proper and appropriate to apply this fresh determination of CSS to all open access consumers irrespective

- apply this fresh determination of CSS to all open access consumers irrespective of the fact whether they are aggrieved or not with the earlier CSS Order by issuing individual notices to all the Open Access Consumers in respective years.
7. The Commission desires that all the stakeholders, interested persons and others in the matter and public at large may offer their comments and suggestions on the proposals of the Commission. The public notice along with relevant documents are placed in the website of the Commission (www.tserc.gov.in).
 8. Comments/suggestions are invited on the Commission's proposals from the stakeholders together with supporting material to be sent to the Commission Secretary /TSERC in person or through registered post so as to reach on or before 30.05.2024 by 5 PM.
 9. The Commission intends to conduct public hearing in this matter on 10.06.2024 (Monday) from 11:00 hrs onwards in the Court Hall of TSERC.



COMMISSION SECRETARY

Place: Hyderabad
Date: 09.05.2024.