



VIDYUT OMBUDSMAN FOR THE STATE OF TELANGANA
First Floor 33/11 kV substation, Hyderabad Boats Club Lane
Lumbini Park, Hyderabad - 500 063

:: Present:: Smt. UDAYA GOURI

Monday the Twenty Ninth Day of April 2019

Appeal No. 66 of 2018

Preferred against Order dt:28.01.2019 of CGRF in
CG No. 617/2018-19 of Suryapet Circle

Between

M/s. Hindustan Petroleum Corp.Ltd., represented by Sri. Surya Kant,
Senior Station Manager, Visakha, Vijayawada and Secunderabad Pipeline,
Suryapet Booster Station, Imampet Village, Suryapet Mandal,
Suryapet District - 508213. Cell: 9414020463.

... Appellant

AND

1. The ADE/OP/Suryapet/TSSPDCL/Suryapet District.
2. The DE/OP/Suryapet/TSSPDCL/Suryapet District.
3. The SE/OP/Suryapet Circle/TSSPDCL/Suryapet District.
4. The CGM(Comml.)/Corporate Office/Mint Compound/TSSPDCL//Hyderabad.

... Respondents

The above appeal filed on 27.02.2019, coming up for final hearing before the Vidyut Ombudsman, Telangana State on 27.03.2019 at Hyderabad in the presence of Sri. Suryakant - on behalf of the Appellant company and Sri.V. Kiran Kumar - ADE/OP/Suryapet, Sri. L. Anil Kumar - SE/Comml/Corporate Office/TSSPDCL, Sri.K. Satish Kumar - DE/RAC/TSSPDCL and K. Neeraja - ADE/IPC/TSSPDCL were present for the Respondents and having considered the record and submissions of both the parties, the Vidyut Ombudsman passed the following;

AWARD

This is an Appeal filed against the orders of CGRF Suryapet in CG No. 617 of 2018-19 dt.28.01.2019.

2. The Appellant averred that he has filed CG No. 617 of 2018-19 before the CGRF Suryapet seeking for direction to the Respondents to take necessary action for installation of CTs, PTs and ABT meters at VVSPL, Suryapet in order to obtain NOC for Open Access and that the CGRF passed an one sided order favouring TSSPDCL causing injustice to them in spite of the fact that the Appellant is one of the biggest contributor to Telangana State Government and as such aggrieved by the said order the present Appeal if preferred.

3. The averments in the Appeal by the Appellant is that TSSPDCL has not granted permission for installation of CTs, PTs and ABT meters and NOC for Open Access. Hence sought for necessary direction to the Respondent by setting aside the orders of the CGRF in CG No. 617 of 2018-19.

4. The Appellant in support of his Appeal submitted the following written submissions by stating that they operate 572 KM long underground cross country pipeline from Visakhapatnam to Secunderabad and have intermediate pumping stations at Rajahmundry, Vijayawada and Suryapet, highly inflammable petroleum products like aviation turbine fuel (Defence supplies), Motor Spirit (Petrol_ HSD (High Speed Diesel) and SKO (Superior Kerosene Oil) are being transported through this pipeline which falls under ESMA (Essential Services Maintenance Act) and district administration invokes it in the event of any shortages to safeguard our business interests and to ensure continuous supplies, they represented TSTRANSCO for granting us power purchase through Open Access. They are drawing 33KV supply from TSSPDCL vide our consumer No. SPT417.

Chronology of events:-

1. 27.11.2017: We approached TSSPDCL for availing power purchase through Open Access.
2. 10.07.2018: We applied for Open Access through online application No.201807104115.
3. 26.07.2018”: TSTRANSCO in turn routed it to TSSPDCL for their consent, which subsequently got rejected on the grounds that there is no availability of CTs, PTs and ABT meters.

4. 30.10.2018: Then we requested TSSPDCL for granting permission to install CTs,PTs & ABT meters which have been duly tested and certified by DE-M&P, Nalgonda.
5. 30.10.2018: Represented our case to CGRF-1 as our request for installation of CTS, PTs and ABT meters did not get cleared even after a rigorous follow up through verbal and personal meetings which stretched to a span of more than 90 days.
6. 02.11.2018; CGRF had advised TSSPDCL for necessary action under intimation to their office vide its letter dt.02.11.18.
7. 17.12.2018: We have again approached CGRF-1 stating that TSSPDCL has not granted us permission for installation of meters despite CGRFs advice therefore we requested CGRF to provide necessary excallation of this issue.
8. 27.12.2018: CGRF-1 has registered our complaint.
9. 22.01.2019: Hearing was conducted at CGRF-1 office in the presence of both HPCL & TSSPDCL representatives.
10. 28.01.2019: CGRF-1 has passed one sided orders favouring TSSPDCL through letter No. CGRF/TSSPDCL/D.No.679 dt.28.01.2019 and have not done justice to one of the biggest contributor to Telangana State Govt Exchequer.

Hence requested to intervene and arrange for necessary dispensation of justice to M/s. Hindustan Corporation Limited.

5. The Respondents on the other hand through CGM (IPC & RAC)/TSSPDCL submitted their written submissions vide the Letter No. CGM (IPC &RAC)/SE(IPC)/F.HPCL/D.No.1540/19 dt.25.03.2019 as follows:-

- a. M/s. Hindustan Petroleum Corporation Limited SPT-417) is a HT Consumer, having CMD of 1.55 MVA fed through Penpahad Mixed Feeder from 132/33 KV Suryapet SS.
- b. The HT Consumer is availing supply from TSSPDCL with non ABT meter installed at the interfacing point with the grid. The Appellant is already provided with continuous and reliable supply from TSSPDCL.

27.11.2017

c. The Appellant has requested this office to accord permission for installation of CTs, PTs and ABT meters of 0.2 S accuracy to avail open access power to their service point (SPT-417) located in Suryapet from Power Exchange under Inter State Short Term Open Access.

d. To carry out the feasibility study in respect of new open access applicants under inter State Short Term Open Access requires collection, analysis and verification of information at various levels viz. Verification of Interstate and Intrastate transmission and distribution spare capacity verification of transmission and distribution capacity. Margins availability for power flows, verification of line capacity, verification of Substation feasibility, verification of metering provisions as per CEA norms at the consumer end to avail open access power, verification of compatibility check of the installed ABT meters with the EBC software.

e. Further it is to submit that based on the government instructions to supply 24 hours power supply to all the services including agricultural services in Telangana State, supply was extended to all the services including agricultural services in 3 districts under the pilot scheme from the month of July,2017 to study the impact on the grid. Later the whole of Telangana state is being provided with 24 hrs power supply to all the services including agricultural services from Jan,18 onwards to abide to the government commitment to provide 24 hours power supply to all the consumers including agriculture services and to provide reliable supply , TS DISCOMs has already made necessary arrangements along with the adequate power procurement from various sources and the network of Telangana State is completely loaded to the maximum extent.

f. Therefore, as the matter of allowing open access to the applicant need to be studied in a colossal scenario under this fully loaded grid constraints a committee is constituted with the officials of TSSPDCL, TSNPDCL and TSTRANSCO to carry out the detailed feasibility system studies and the matter of representation request of M/s. Hindustan Petroleum Corporation Limited is also referred to the committee and also appraised the matter to committee for taking necessary decision.

g. Like the Appellant there were other applications also which were referred to the committee as the network was fully loaded with the commitments.

10.07.2018

a. The Appellant has requested this office to accord permission for installation of CTs, PTs and ABT meters to avail open access power to their service point (SPT-417) located in Suryapet. But as the committee is under the process of studying the network stability and feasibility, the application request was kept unanswered as their representation request is already being studied for feasibility by the technical committee.

26.07.2018

a. The Appellant has filed application for availing open access power under Inter state short term open access from power exchange.

b. Firstly, to facilitate open access facility to the HT consumer, the Applicant has to approach the Nodal agency (CE/SLDC for Intra State Short Term Open Access & CE/Comml & RAC)/TSTRANSCO for Intra State Long Term Open Access) for accordance of open access permission.

c. Upon the receipt of application from SLDC, the basic feasibility will be analysed as the committee is already under analysis process of the feasibility of the network. After prior verification of the application request, it was noticed that the Appellant has not installed the required metering equipment which is the prime requirement for processing the STOA application as per the CERC (Open Access in inter state Transmission) Regulations 2008 and as the committee has not yet finalised any decision in respect of the feasibility of the Appellant and was under review process and further, as per CERC Regulation, every STOA application need to be processed within stipulated time frame. Hence the Application was rejected as appellant has not complied to the basic minimum criteria for availing open access as per the existing regulations in force.

30.10.2018

a. The committee was under still studying the network stability and feasibility studies were carried out which has not finalised any decision in respect of the appellant request. Meanwhile, the Appellant has purchased the

required metering equipment (ABT meters) without any approvals being accorded by the committee and directly requested for installation of the said equipment. Investment on the metering equipment was not carried out without the approval of this office and if the said appellant request is found to be not feasible then the huge investment would be a burden to the Appellant. Hence the Appellant needs to take prior approval before purchasing the metering equipment from outside. Moreover the said metering equipment needs to be purchased from TSSPDCL departmental stores as the equipment being procured by TSSPDCL shall comply to the technical standards of TSSPDCL. Even if the consumer is willing to purchase from outside then the procured equipment need to be in compliance with TSSPDCL technical specifications and standards which in turn needs to be approved by TSSPDCL as the said metering equipment shall be interconnected to the TS grid.

b. In view of the above without accordance of any approval for the application of the Appellant which was under the purview of the technical committee the Appellant has procured the metering equipment from outside without prior approval from this office. Hence the request of installation of CTs, PTs and ABT meters by the Appellant is not processed.

In view of all the above circumstances, CGRF has made the observations stating that the request of the appellant for according approval to install CTs, PTs and ABT meters for taking NOC for open access is stalled in view of the transmission and distribution system is fully loaded due to extension of 24 hrs continuous power supply in the entire state to domestic and other category of supplies including agricultural services and finally directed to take appropriate action after the already constituted committee concludes a final decision on the open access.

In view of the above, after the committee concluded the final decision, necessary action shall be initiated with respect to the request of the Appellant. Therefore in view of the anticipated committee decision, it is requested to consider the aforesaid submissions as a written submissions in Appeal No. 66 of 2018 filed by M.s Hindustan Petroleum Corporation Limited and the Appeal may be dismissed off.

6. The Appellant has submitted the following rejoinder against the written submissions of the Respondents as following:-

That they have procured CTs, PTs and ABT meters only after getting approval from SE-TSSPDCL, Nalgonda and it may please be noted that SE-TSSPDCL, Nalgonda has even advised DE-M & P, TSSPDCL- Nalgonda to carry out testing and Calibration of the said equipment vide Lr. No.VVSPL/SBS/PAV/1 Dt.13.11.2017. All the equipment was tested and calibrated in the presence of DE-M&P, TSSPDCL-Nalgonda.

Therefore they opined that due consent was taken prior to procurement of the subject equipment.

That they have incurred huge financial expense by procuring this equipment which has been tagged as Idle Asset by Audit and therefore requested permission for installation of CTs, PTs and ABT meters.

And also stated that the matter is pending since more than an year and that they are getting same reply from TSSPDCL.

7. In the face of the said averments by both sides the following issues are framed?

1. Whether the Respondents are liable to grant permission for installation of CTs, PTs and ABT meters and NOC for Open Access to the Appellants? and
2. To what relief?

Heard both sides.

Issue No.1

8. The averments of both sides go to show that admittedly M/s Hindustan Petroleum Corporation Limited is operating 572 KM long underground cross country pipeline from Visakhapatnam to Secunderabad having intermediate pumping stations at Rajahmundry, Vijayawada and Suryapet and as such are drawing 33 KV supply through a 33 KV service connection No. SPT- 417 with a CMD of 1.55 MVA through Penpahad Mixed Feeder from 132/33 KV Suryapet Substation and hence has requested the TSSPDCL to accord permission for installation of CTs, PTs and ABT meters of 0.25 accuracy which is a mandatory provision in order to avail Open Access power to their service connection located at Suryapet from the power exchange under Inter State

Short Term Open Access. The Respondents on the other hand contended that in order to allow Open Access under Inter State Short Term Open Access, they require to collect analysis verification of information at various levels such as Interstate and Intrastate Transmissions and Distribution Square Capacity, margin availability for power flow verification of metering provisions, line capacity, substation feasibility metering provisions, compatibility checks of the installed ABT meters with the EBC software as per CEA norms. They also stated based on the Government instructions to supply 24 Hrs Power supply to all the services including the agricultural services in Telangana, the same was started in Jan,2018 after a pilot scheme in 3 districts since July,2017. As such though the TS Discoms made necessary arrangements along with adequate power procurement from various sources, the network was found to be completely loaded to the maximum extent. Hence in view of the fully loaded grid constraints a Committee was constituted with the officials of TSSPDCL,TSNPDCL and TRANSCO to carry out the detailed feasibility system studies. Hence the representation of Hindustan Petroleum Corporation Limited i.e. the Appellant herein was also referred to the said Committee for taking necessary decision along with other such applications. Hence when the Appellant again applied for Open Access through online on 10.07.2018 the same was routed to TSSPDCL on 26.07.2018 by TSTRANSCO and the same was rejected stating that the application of the Appellant was pending with the Committee for necessary consideration.

9. The said averments of both sides clearly go to show that in view of the criteria of the Government to supply 24 hours power supply to all services including agricultural services in Telangana State, the network of the Respondents was completely loaded to the maximum extent and as such in view of the fully loaded grid constraints a Committee was constituted with the Officials of TSSPDCL, TSNPDCL and TSTRANSCO in order to study and carry out the detailed feasibility system and as such when the Appellant made an application for Open Access the same could not be considered without the consent or approval of the Committee. Admittedly the Committee was constituted to study the feasibility system in view of the loaded grid constraints in the interest of the larger consumers and the Appellant cannot question the intention of the Respondents in the said circumstances as it is for the Committee to give them the necessary instructions for such connections and until such instructions are not given by the Committee the Respondents would not have any authority to act on the Application of the Appellant. Hence the question of directing the Respondents to consider the application of the Appellants without the necessary instructions from

the Committee constituted for the same does not arise.

10. The Appellant further contended that they have procured the CTs, PTs and ABT meters duly tested and certified by DE/M&P/Nalgonda and thus incurred heavy expenses for the same and as such the audit authorities of their concern have tagged the said meters as idle assets. Hence claimed that in view of their incurring heavy expenses in purchasing CT,PT and ABT meters the Respondents be directed to permit them to install the same, but a perusal of the evidence on record shows that though the Appellant contended that the said meters have been tested and certified by the DE/M&P/Nalgonda, they have not filed any document to that effect, nullifying the averments of the Respondents that no such certificate has been issued by DE/M&P/Nalgonda, in other words the CT, PT and ABT meters procured by the Appellants are not certified by DE/M&P/Nalgonda as contended by the Appellants. The Appellants have also not filed any document to show that they have been permitted or approved by the Respondents to purchase CT, PT and ABT meters. On the contrary the evidence on record submitted by the Respondents show that the CT, PT & ABT meters procured by the Appellants was not only without the approval of the Respondents and that the said metering equipments requires to be purchased from TSSPDCL departmental stores as the equipments being procured by TSSPDCL would comply with the technical standards of TSSPDCL. The evidence on record also shows that even if the consumer i.e. the Appellant in this case, is willing to purchase the metering equipment from outside, then the said equipment is required to be in compliance with TSSPDCL technical specifications and standards and as such requires to be approved by TSSPDCL as the said metering equipment shall be inter connected to the Telangana State Grid, but the evidence adduced by the Respondents neither shows that any approval has been obtained by the Appellant nor filed any document to show that the CT,PT & ABT meters obtained by the Appellants are in accordance with the approved technical specifications and standards of TSSPDCL. Hence in the absence of such approval or certification from TSSPDCL the contention of the Appellant that they have incurred heavy expenses and as such the Respondents are responsible for the same does not stand any ground. Hence rightly the CGRF disposed the complaint of the Appellant. Hence decides this issue against the Appellant.

Issue No.2

11. In the result the Appeal is dismissed confirming the orders of the CGRF Suryapet in CG No. 617/2018-19.

TYPED BY Office Executive cum Computer Operator, Corrected, Signed and Pronounced by me on this the 29th day of April, 2019.

Sd/-
Vidyut Ombudsman

1. M/s. Hindustan Petroleum Corp.Ltd., represented by Sri. Surya Kant, Senior Station Manager, Visakha, Vijayawada and Secunderabad Pipeline, Suryapet Booster Station, Imampet Village, Suryapet Mandal, Suryapet District - 508213. Cell: 9414020463.
2. The ADE/OP/Suryapet/TSSPDCL/Suryapet District.
3. The DE/OP/Suryapet/TSSPDCL/Suryapet District.
4. The SE/OP/Suryapet Circle/TSSPDCL/Suryapet District.
5. The CGM(Comml.)/Corporate Office/Mint Compound/Hyderabad.

Copy to :

6. The Chairperson, CGRF-I,TSSPDCL,GTS Colony, Vengal Rao Nagar, Hyderabad.
7. The Secretary, TSERC, 5th Floor Singareni Bhavan, Red Hills, Lakdikapul,Hyd.