

Record of proceedings dated 03-03-2018

Public hearing in the matter of allocating inflated demand by the Andhra Pradesh Gas Power Corporation Ltd (APGPCL) to its shareholders.

Sri P. Shiva Rao, learned Standing Counsel for AP Transco, APSPDCL and APEPDCL, Sri C.V. Mohan Reddy, learned Senior Counsel representing Sri K.V. Bhaskar Reddy, learned counsel for APGPCL, Sri M. Tharun, learned counsel representing Sri Challa Gunaranjan, learned counsel for (i) Sri Satyanarayana Spinning Mills Limited (ii) Sree Akkamamba Textiles Limited & (iii) India Cements Limited, Sri K. Gopal Choudary, learned counsel for (i) International Paper APPM Limited (ii) The Andhra Sugars Limited (iii) The Andhra Petrochemicals Limited (iv) Hindustan Zinc Limited (Vedanta) (v) Precot Meridian Limited (vi) LG Polymers India Private Limited & (vii) Sri Dhanalakshmi Cotton & Rice Mills Private Limited, learned objectors are present.

At request, the matter is posted to 07-04-2018.

Call on:

07-04-2018
at 11:00 AM

Sd/-
MEMBER/PRM

Sd/-
MEMBER/PR

Sd/-
CHAIRMAN

Procurement of 400 MW Power from M/s. Simhapuri Energy Limited for a period of 12 years against 1000 MW Bids using imported coal from captive mines as fuel under long term by APSPDCL under DBFOO bidding - Approval for tariff adoption under Section 63 of the Electricity Act 2003.

Sri K. Gopal Choudary, learned counsel for M/s. Simhapuri Energy Limited, Sri P. Shiva Rao, learned Standing Counsel for APSPDCL, Sri T. Uma Sankar, learned counsel representing Sri Ch. Pushyam Kiran, learned counsel for (i) M/s. GVK Industries Limited & (ii) M/s. GVK Gautami Power Limited are present.

At request of Sri P. Shiva Rao, learned Standing Counsel for APSPDCL, as he is still awaiting for his instructions. Hence, the matter is posted to 07-04-2018.

Call on: 07-04-2018
at 11:00 AM

Sd/-
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O.P. No. 5 of 2017
FOR ORDERS

APSPDCL & APEPDCL Vs ---

Petition filed under Regulation 55 (1) & (2) of APERC (Conduct of Business) Regulations, 1999 and Regulation 23 to 26 of the APERC (Terms and Conditions for tariff determination for wind power projects in the State of AP for the period of FY 2015-16 to FY 2019-20) Regulations, 2015 requesting the Commission to curtail or limit the control period of the above mentioned Regulation No. 1 of 2015 upto 31-03-2017

Sri P. Shiva Rao, learned Standing Counsel for the petitioners, Sri Deepak Choudhury, Induslaw, Advocates for Axis Energy Ventures India Private Limited and Sri M. Tharun, learned counsel representing Sri Challa Gunaranjan, learned counsel for M/s. Greenco Rayala Wind Power Private Limited, learned objectors are present.

Orders are not ready. For orders, the matter is posted to 24-03-2018.

Call on: 24-03-2018
at 11:00 AM

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CHAIRMAN

O.P.No.47 of 2017 & I.A. No. 28 of 2017
A.P. Power Development Company Ltd (APPDCL) Vs APSPDCL & APEPDCL

Application for determination of tariff for supply of electricity generated at the Sri Damodaram Sanjeevaiah Thermal Power Station (SDSTPS) (2 x 800 MW) to the APDISCOMs from 05-02-2015 for the rest of the control period of 2014-19 of 2 x 800 MW

Application filed u/s 94 (2) of the Electricity Act, 2003 praying the Commission to pass interim orders directing the respondents to pay an interim tariff of Rs4.04 per kWh for the energy supplied by it to the respondents during FY 2017-18, pending disposal of the main petition in O.P.No.47 of 2017.

Sri K. Gopal Choudary, learned counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the respondents are present.

At request of Sri K. Gopal Choudary, learned counsel for the petitioner, for rejoinder, the matter is posted to 07-04-2018.

Call on: 07-04-2018
at 11:00 AM

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CHAIRMAN

Public hearing on Load Forecasts, Resource Plans, Investment Plans and State Electricity Plan

Sri P. Shiva Rao, learned Standing Counsel for the utilities and Sri K. Gopal Choudary, learned *Amicus Curiae* are present.

At request, for further study of the issues with reference to AP Transco, the matter is posted to 17-03-2018.

Call on: 17-03-2018
at 11:00 AM

Sd/-
MEMBER/PRM

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CHAIRMAN

O.P.No. 3 of 2018
FOR ORDERS

APSPDCL & APEPDCL Vs ---

Petition under Section 86 (1) (b) and Section 62 of the Electricity Act, 2003 r/w Regulation 8 of APERC (Conduct of Business) Regulations, 1999 for computation of Pooled Cost of Power Purchase of the year 2016-17 to be considered for the year 2017-18.

Sri P. Shiva Rao, learned Standing Counsel for the petitioners is present.

Orders pronounced (*vide separate order*)

“5. With the findings as above and after applying the definition of pooled cost of power purchase under the clause 2(k) extracted supra, the Commission hereby determines the Pooled Cost of Power Purchase for FY2016-17 to be considered for FY2017-18 as Rs.3.741/kWh. The details of calculation are shown in the ANNEXURE.

6. The difference between the Provisional Pooled Cost of Power Purchase at Rs.3.646/kWh (of FY2015-16 considered for FY2016-17) and the Pooled Cost now determined by this Order shall be paid to the developers in six equal monthly instalments commencing from the billing month of March 2018 to facilitate the DISCOMs to make payment in a staggered manner rather than by a lump-sum payment to avoid any undue strain on the finances of the Distribution Companies”.

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O.P. No. 30 of 2017
APSPDCL & APEPDCL Vs M/s. GMR Vemagiri Power Generation Ltd & 2 others

Petition under Section 86 (1) (f) of the Electricity Act, 2003 requesting the Commission to direct the respondent No.1 to pay the energy consumed by it towards Start-up and Maintenance of its 370 MW project at Vemagiri (V), Kadium (M), East Godavari District at HT-1 scheduled tariff

Sri P. Shiva Rao, learned Standing Counsel for the petitioners and Sri Kalyana Chakravarthy representative of 1st respondent are present.

At request on behalf of the 1st respondent, the matter is posted to 07-04-2018.

Call on: 07-04-2018
at 11:00 AM

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CHAIRMAN

O.P. No. 31 of 2017
APSPDCL & APEPDCL Vs M/s. GVK Industries Ltd & 2 others

Petition under Section 86 (1) (f) of the Electricity Act, 2003 requesting the Commission to direct the respondent No.1 to pay the energy consumed by it towards Start-up and Maintenance of its 220 MW project at Jegurupadu, East Godavari District at HT-1 scheduled tariff

Sri P. Shiva Rao, learned Standing Counsel for the petitioners and Sri T. Uma Sankar, learned counsel representing Sri Ch. Pushyam Kiran, learned counsel for the 1st respondent are present.

At request on behalf of the 1st respondent, the matter is posted to 07-04-2018.

Call on: 07-04-2018
at 11:00 AM

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O.P. No. 24 of 2016
FOR ORDERS
Aquawave Biotech Pvt Ltd Vs APSPDCL & 2 others

Petitioner challenging the Memo No.CGM/Opn/APSPDCL/TPT/RAC/F: /D. No. 282/2016 Dated 27-07-2016 issued by the Chief General Manager (Operations), APSPDCL / Respondent No.2

Sri Kanuri Venkata Ranga Das, learned counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for APSPDCL are present.

Orders are not ready. Hence, the matter is posted to 07-03-2018 (Wednesday) at 12:00 noon.

Call on: 07-03-2018
at 12:00 Noon

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CHAIRMAN

O.P. No. 49 of 2017
M/s. Southern Rocks & Minerals Pvt. Ltd Vs APSLDC & 2 others

Petition under Section 86(1) (f) of the Electricity Act, 2003 r/w Clause 15 of Regulation 2 of 2006 & APERC (Conduct of Business) Regulations, 1999 to declare the date of commissioning of its solar plant (1.03 MW) as 16-06-2016 and to extend the benefits and incentives provided under G.O.Ms.No.8 dated 12-02-2015 as adopted in Regulation No.1 of 2016 & Regulation No. 2 of 2016 by allowing banking facility and scheduling of energy enabling petitioner to utilize the same for its captive use

Sri M. Tharun, learned counsel representing Sri Challa Gunaranjan, learned counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the respondents are present.

Counter filed. For rejoinder, time extended at request till 07-04-2018.

Call on: 07-04-2018
at 11:00 AM

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CHAIRMAN

O.P. No. 21 of 2017
M/s. Orange Uravakonda Wind Power Pvt. Ltd Vs APSPDCL & 2 others

Petition under Section 86 (1) (f) of the Electricity Act, 2003 r/w APERC (Conduct of Business) Regulations, 1999 requesting the Commission for direction to the respondents to open Irrevocable Letter of Credit and payment of amounts deducted towards 2% rebate from monthly power bills; for payment of interest on delayed payment in terms PPAs

Sri M. Tharun, learned counsel representing Sri Challa Gunaranjan, learned counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the respondents are present.

Additional counter filed. For rejoinder, if any, the matter is posted to 24-03-2018.

Call on: 24-03-2018
at 11:00 AM

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CHAIRMAN

O.P. No. 22 of 2017
M/s. Khandke Wind Energy Pvt. Ltd Vs APSPDCL & 2 others

Petition under Section 86 (1) (f) of the Electricity Act, 2003 r/w APERC (Conduct of Business) Regulations, 1999 requesting the Commission for direction to the respondents to pay amounts wrongfully deducted towards rebate from monthly power bills; for payment of interest on delayed payment in terms PPAs., and to open Irrevocable Letter of Credit

Sri M. Tharun, learned counsel representing Sri Challa Gunaranjan, learned counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the respondents are present.

Additional counter filed. For rejoinder, if any, the matter is posted to 24-03-2018.

Call on: 24-03-2018
at 11:00 AM

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CHAIRMAN

O.P. No. 23 of 2017
M/s. Orange Anantapur Wind Power Pvt. Ltd Vs APSPDCL & 2 others

Petition under Section 86 (1) (f) of the Electricity Act, 2003 r/w APERC (Conduct of Business) Regulations, 1999 requesting the Commission for direction to the respondents to open Irrevocable Letter of Credit; for payment of amounts deducted towards 2% rebate from monthly power bills and for payment of interest on delayed payment in terms PPAs

Sri M. Tharun, learned counsel representing Sri Challa Gunaranjan, learned counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the respondents are present.

Additional counter filed. For rejoinder, if any, the matter is posted to 24-03-2018.

Call on: 24-03-2018
at 11:00 AM

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CHAIRMAN

O.P. No. 24 of 2017
M/s. Tadas Wind Energy Pvt. Ltd Vs APSPDCL & 2 others

Petition under Section 86 (1) (f) of the Electricity Act, 2003 r/w APERC (Conduct of Business) Regulations, 1999 requesting the Commission for direction to the respondents to pay amounts wrongfully deducted towards rebate from monthly power bills; for payment of interest on delayed payment in terms PPAs., and to open Irrevocable Letter of Credit

Sri M. Tharun, learned counsel representing Sri Challa Gunaranjan, learned counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the respondents are present.

Additional counter filed. For rejoinder, if any, the matter is posted to 24-03-2018.

Call on: 24-03-2018
at 11:00 AM

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CHAIRMAN

O.P. No. 25 of 2017
M/s. Mytrah Vayu (Pennar) Pvt. Ltd Vs APSPDCL & 2 others

Petition under Section 86 (1) (f) of the Electricity Act, 2003 r/w APERC (Conduct of Business) Regulations, 1999 requesting the Commission for direction to the respondents to open Irrevocable Letter of Credit; payment of amounts deducted towards 1% rebate from monthly power bills and for payment of interest on delayed payment in terms PPAs

Sri M. Tharun, learned counsel representing Sri Challa Gunaranjan, learned counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the respondents are present.

Additional counter filed. For rejoinder, if any, the matter is posted to 24-03-2018.

Call on: 24-03-2018
at 11:00 AM

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CHAIRMAN

O.P. No. 26 of 2017
M/s. Mytrah Vayu (Krishna) Pvt. Ltd Vs APSPDCL & 2 others

Petition under Section 86 (1) (f) of the Electricity Act, 2003 r/w APERC (Conduct of Business) Regulations, 1999 requesting the Commission for direction to the respondents to open Irrevocable Letter of Credit; payment of amounts deducted towards 1% rebate from monthly power bills and for payment of interest on delayed payment in terms PPAs

Sri M. Tharun, learned counsel representing Sri Challa Gunaranjan, learned counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the respondents are present.

Additional counter filed. For rejoinder, if any, the matter is posted to 24-03-2018.

Call on: 24-03-2018
at 11:00 AM

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CHAIRMAN

O.P. No. 27 of 2017
M/s. Mytrah Vayu (Indravati) Pvt. Ltd Vs APSPDCL & 2 others

Petition under Section 86 (1) (f) of the Electricity Act, 2003 r/w APERC (Conduct of Business) Regulations, 1999 requesting the Commission for direction to the respondents to open Irrevocable Letter of Credit; payment of amounts deducted towards 2% rebate from monthly power bills and for payment of interest on delayed payment in terms PPAs

Sri M. Tharun, learned counsel representing Sri Challa Gunaranjan, learned counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the respondents are present.

Additional counter filed. For rejoinder, if any, the matter is posted to 24-03-2018.

Call on: 24-03-2018
at 11:00 AM

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O.P. No. 35 of 2017
M/s. Jindal Aluminium Ltd Vs APSPDCL & 2 others

Petition under Section 86 (1) (f) of the Electricity Act, 2003 r/w APERC (Conduct of Business) Regulations, 1999 requesting the Commission for direction to the respondents to open Irrevocable Letter of Credit; payment of amounts deducted towards 1% rebate from monthly power bills and for payment of interest on delayed payment in terms PPAs

Sri M. Tharun, learned counsel representing Sri Challa Gunaranjan, learned counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the respondents are present.

Additional counter filed. For rejoinder, if any, the matter is posted to 24-03-2018.

Call on: 24-03-2018
at 11:00 AM

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CHAIRMAN

O.P. No.1 of 2018
M/s. Tata Power Renewable Energy Ltd Vs APSPDCL & 2 others

Petition under Section 86 (1) (f) of the Electricity Act, 2003 r/w APERC (Conduct of Business) Regulations, 1999 requesting the Commission for direction to the respondents to open Irrevocable Letter of Credit; payment of amounts deducted towards rebate from monthly power bills and for payment of interest on delayed payment in terms PPA dated 31-10-2016

Sri M. Tharun, learned counsel representing Sri Challa Gunaranjan, learned counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the respondents are present.

Heard Sri M. Tharun, learned counsel representing Sri Challa Gunaranjan, learned counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the respondents. One of the reliefs sought for in the Original Petition is for a direction to the respondents to refund a sum of Rs.21,79,892/- collected towards rebate at 2% on the power bills of the petitioner with interest quantified at Rs.41,74,743/- as per the Power Purchase Agreement dated 31-10-2016. Sri P. Shiva Rao, learned Standing Counsel for the respondents brought to notice the interim directions given by the Commission in all the identical matters, where the distribution companies expressed their readiness to pay the rebate amount wherever they are not entitled to and the Commission, on an understanding between both parties, restricted the liability to pay interest to 25% of what was payable as per the Power Purchase Agreement, if the refund of the rebate amount is paid within 30 days from the date of the order of the Commission. Pending completion of the pleadings in this Original Petition, it will be just and reasonable to adopt the same course in this matter also and therefore, the respondents are directed to repay the amount deducted towards rebate from the amounts payable to the petitioner to which they are not entitled along with 25% of interest as per clause 5.2 of the Power Purchase Agreement within 30 days from today and report to the Commission. In case of default by the respondents in making the payment as directed now, the concession relating to interest shall stand open to review. The respondents have to file their counter relating to irrevocable letter of credit, on which the petitioner has to file its response. Hence, for further pleadings and compliance with the present directions, the matter is posted to 24-03-2018.

Call on:

24-03-2018
at 11:00 AM

Sd/-
MEMBER/PRM

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CHAIRMAN