Record of proceedings dated 28-10-2016

O.P. No. 21 of 2016

APSPDCL & APEPDCL Vs Andhra Pradesh Power Development Company Ltd

(APPDCL)

Public Hearing on 28-10-2016 on the application filed u/s 21 (1) & (5) of the A.P. Electricity Reform Act, 1998 for grant of consent for the Amended and Restated Power

Purchase Agreement of 2 x 800 MW Sri Damodaram Sanjeevaiah Thermal Power

Station (SDSTPS), Stage - I, dt.24-08-2016

Sri G.V. Brahmananda Rao, learned counsel representing Sri P. Shiva Rao, learned

Standing Counsel for the petitioners, Sri Raghavendra Rao, Project Manager of Andhra

Pradesh Power Development Company Ltd. (APPDCL) and Sri M. Venugopala Rao,

learned objector are present.

The responses of the petitioners for the objections of Sri M. Venugopala Rao, Sri Ch.

Narsing Rao and Sri M. Thimma Reddy have been filed. Today, there is no quorum for

sitting, as the Hon'ble Members are on leave. Hence, posted for hearing to 26-11-2016

at 11:00 AM.

Call on:

26-11-2016 at 11:00 AM

Sd/-CHAIRMAN

- 1 -

O.P.No.12 of 2008

**GVK Industries Ltd Vs DISCOMs & APPCC** 

Petition u/s 86 (1) (f) of the Electricity Act, 2003 in respect of certain claims amounting to Rs.262 crs

Sri T.V. Bhaskar, Legal Retainer, Advocate, Sri M. Sodekar, DGM (Law), Sri Madhu

Babu, DM (Law) for the petitioner and Sri G.V. Brahmananda Rao, learned counsel

representing Sri P. Shiva Rao, learned Standing Counsel for the respondents are

present.

A letter has been received from the learned Standing Counsel for the Commission

dated 20-10-2016 stating that in W.P.No.35039 of 2016 before the Hon'ble High Court

of Judicature at Hyderabad For the State of Telangana and the State of Andhra

Pradesh, the Hon'ble Division Bench, on 19-10-2016 directed the learned Standing

Counsel orally to inform this Commission to defer the hearing scheduled to be held on

28-10-2016, as the matters were directed to be listed before Their Lordships of the

Division Bench on 02-11-2016. In view of the directions of the Division Bench of the

Hon'ble High Court, all the 34 matters in which a common order was pronounced on the

question of jurisdiction and O.P.No.10 of 2015 also stated by the learned counsel for

both sides to be involving the same question of jurisdiction, are posted to 03-12-2016

(Saturday) for further hearing.

Call on:

03-12-2016 at 11:00 AM

> Sd/-CHAIRMAN

- 2 -

O.P. No. 19 of 2009

APTRANSCO & 4 DISCOMs Vs GVK Industries Ltd

Petition u/s 86 of the Electricity Act, 2003 seeking calculation of interest on working capital for computation of fixed charges, limiting the working capital amount to the actual

borrowings

Sri G.V. Brahmananda Rao, learned counsel representing Sri P. Shiva Rao, learned

Standing Counsel for the petitioner and Sri T.V. Bhaskar, Legal Retainer, Advocate, Sri

M. Sodekar, DGM (Law), Sri Madhu Babu, DM (Law) for the respondent are present.

A letter has been received from the learned Standing Counsel for the Commission

dated 20-10-2016 stating that in W.P.No.35039 of 2016 before the Hon'ble High Court

of Judicature at Hyderabad For the State of Telangana and the State of Andhra

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(Saturday) for further hearing.

Call on:

03-12-2016 at 11:00 AM

Sd/-

CHAIRMAN

- 3 -

O.P. No. 33 of 2009

Lanco Kondapalli Power Ltd Vs. APPCC, APTRANSCO & DISCOMs

Petition u/s 86 (1) (f) of the Electricity Act, 2003 claiming capacity charges payable by

the respondents and also interest payable thereon

Sri T. Vizhay Baabu, learned counsel representing Sri Challa Gunaranjan, learned

counsel for the petitioner, Sri G.V. Brahmananda Rao, learned counsel representing Sri

P. Shiva Rao, learned Standing Counsel for the AP Discoms and Sri Y. Rama Rao,

learned Standing Counsel for the TS Discoms are present.

A letter has been received from the learned Standing Counsel for the Commission

dated 20-10-2016 stating that in W.P.No.35039 of 2016 before the Hon'ble High Court

of Judicature at Hyderabad For the State of Telangana and the State of Andhra

Pradesh, the Hon'ble Division Bench, on 19-10-2016 directed the learned Standing

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(Saturday) for further hearing.

Call on:

03-12-2016 at 11:00 AM

> Sd/-CHAIRMAN

- 4 -

O.P. No. 42 of 2009 & I.A. No. 4 of 2010

Lanco Kondapalli Power Ltd Vs. APPCC, APTRANSCO & DISCOMs

Petition u/s 62, 86 (1) (f) of the Electricity Act, 2003 claiming finance and procurement costs payable by the respondents together with interest thereon and I.A. No. 4 of 2010

filed by the respondents

Sri T. Vizhay Baabu, learned counsel representing Sri Challa Gunaranjan, learned

counsel for the petitioner, Sri G.V. Brahmananda Rao, learned counsel representing Sri

P. Shiva Rao, learned Standing Counsel for the AP Discoms and Sri Y. Rama Rao,

learned Standing Counsel for the TS Discoms are present.

A letter has been received from the learned Standing Counsel for the Commission

dated 20-10-2016 stating that in W.P.No.35039 of 2016 before the Hon'ble High Court

of Judicature at Hyderabad For the State of Telangana and the State of Andhra

Pradesh, the Hon'ble Division Bench, on 19-10-2016 directed the learned Standing

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(Saturday) for further hearing.

Call on:

03-12-2016 at 11:00 AM

> Sd/-CHAIRMAN

- 5 -

O.P.No.57 of 2011

APTRANSCO Vs Spectrum Power Generation Ltd

Petition u/s 86 (1) (b) of the Electricity Act, 2003 seeking deletion of usage of Naptha as

supplementary fuel and others as alternate fuel

Sri G.V. Brahmananda Rao, learned counsel representing Sri P. Shiva Rao, learned

Standing Counsel for the petitioner and Sri Ch. Pushyam Kiran, learned counsel for the

respondent are present.

A letter has been received from the learned Standing Counsel for the Commission

dated 20-10-2016 stating that in W.P.No.35039 of 2016 before the Hon'ble High Court

of Judicature at Hyderabad For the State of Telangana and the State of Andhra

Pradesh, the Hon'ble Division Bench, on 19-10-2016 directed the learned Standing

Counsel orally to inform this Commission to defer the hearing scheduled to be held on

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both sides to be involving the same question of jurisdiction, are posted to 03-12-2016

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Call on:

03-12-2016 at 11:00 AM

> Sd/-CHAIRMAN

- 6 -

## O.P.No.70 of 2012

## DISCOMs Vs GMR Vemagiri Power Generation Ltd (GVPGL)

Petition filed by the petitioners requesting the Commission to ascertain the losses of respondent, if any, and to fix up the rate of additional fixed charges and the period for truing-up to make good of the alleged losses if any, after duly considering the claim of petitioners for extension of PPA period and to issue consent to the proposed amendments as per the Commission orders dt.05.12.2009 to the amended agreement to the PPA dt.02.05.2007 and 18.06.2003.

Sri G.V. Brahmananda Rao, learned counsel representing Sri P. Shiva Rao, learned Standing Counsel for the petitioners and Sri Y. Rama Rao, learned Standing Counsel for the TS Discoms are present.

A letter has been received from the learned Standing Counsel for the Commission dated 20-10-2016 stating that in W.P.No.35039 of 2016 before the Hon'ble High Court of Judicature at Hyderabad For the State of Telangana and the State of Andhra Pradesh, the Hon'ble Division Bench, on 19-10-2016 directed the learned Standing Counsel orally to inform this Commission to defer the hearing scheduled to be held on 28-10-2016, as the matters were directed to be listed before Their Lordships of the Division Bench on 02-11-2016. In view of the directions of the Division Bench of the Hon'ble High Court, all the 34 matters in which a common order was pronounced on the question of jurisdiction and O.P.No.10 of 2015 also stated by the learned counsel for both sides to be involving the same question of jurisdiction, are posted to 03-12-2016 (Saturday) for further hearing.

Call on: 03-12-2016 at 11:00 AM

Sd/-CHAIRMAN O.P.No.71 of 2012

GMR Vemagiri Power Generation Ltd (GVPGL) Vs. DISCOMs

Petition u/s 86 (1) (b) of the Electricity Act, 2003 seeking consent of the Commission to the amendments to the PPA as proposed by the parties in terms of order dt.

05.12.2009. However, in its order dt. 27.08.2012 in O.P (SR) No. 71 of 2011,

Commission decided to ascertain losses of the petitioner, if any, in the first instance.

Sri G.V. Brahmananda Rao, learned counsel representing Sri P. Shiva Rao, learned

Standing Counsel for the AP Discoms and Sri Y. Rama Rao, learned Standing Counsel

for the TS Discoms are present.

A letter has been received from the learned Standing Counsel for the Commission

dated 20-10-2016 stating that in W.P.No.35039 of 2016 before the Hon'ble High Court

of Judicature at Hyderabad For the State of Telangana and the State of Andhra

Pradesh, the Hon'ble Division Bench, on 19-10-2016 directed the learned Standing

Counsel orally to inform this Commission to defer the hearing scheduled to be held on

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(Saturday) for further hearing.

Call on:

03-12-2016 at 11:00 AM

> Sd/-CHAIRMAN

- 8 -

O.P. No. 72 of 2012

GMR Vemagiri Power Generation Ltd (GVPGL) Vs. DISCOMs & APPCC

Petition u/s 86 (1) (f) of the Electricity Act, 2003 claiming compensation of Rs. 447 crs (on NPV basis as on COD) towards loss of Capacity Charges for the period upto

10.04.2009

Sri G.V. Brahmananda Rao, learned counsel representing Sri P. Shiva Rao, learned

Standing Counsel for the AP Discoms and Sri Y. Rama Rao, learned Standing Counsel

for the TS Discoms are present.

A letter has been received from the learned Standing Counsel for the Commission

dated 20-10-2016 stating that in W.P.No.35039 of 2016 before the Hon'ble High Court

of Judicature at Hyderabad For the State of Telangana and the State of Andhra

Pradesh, the Hon'ble Division Bench, on 19-10-2016 directed the learned Standing

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(Saturday) for further hearing.

Call on:

03-12-2016 at 11:00 AM

> Sd/-CHAIRMAN

- 9 -

O.P. No. 79 of 2012

Reliance Infrastructure Ltd Vs. DISCOMs & APPCC

Petition u/s 86 (1) (f) of Electricity Act, 2003 seeking to restrain the DISCOMs from

deducting from the monthly bills amounts towards deemed generation

Sri P. Vikram, learned counsel for the petitioner, Sri G.V. Brahmananda Rao, learned

counsel representing Sri P. Shiva Rao, learned Standing Counsel for the AP Discoms

and Sri Y. Rama Rao, learned Standing Counsel for the TS Discoms are present.

A letter has been received from the learned Standing Counsel for the Commission

dated 20-10-2016 stating that in W.P.No.35039 of 2016 before the Hon'ble High Court

of Judicature at Hyderabad For the State of Telangana and the State of Andhra

Pradesh, the Hon'ble Division Bench, on 19-10-2016 directed the learned Standing

Counsel orally to inform this Commission to defer the hearing scheduled to be held on

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Call on:

03-12-2016 at 11:00 AM

> Sd/-CHAIRMAN

- 10 -

O.P. No. 85 of 2012

Lanco Kondapalli Power Ltd Vs. APPCC, APTRANSCO & DISCOMs

Petition u/s 86 (1) (f) for reimbursement of Minimum Fuel Off-take Charges and other

fuel transportation charges being part of monthly bills

Sri T. Vizhay Baabu, learned counsel representing Sri Challa Gunaranjan, learned

counsel for the petitioner, Sri G.V. Brahmananda Rao, learned counsel representing Sri

P. Shiva Rao, learned Standing Counsel for the AP Discoms and Sri Y. Rama Rao,

learned Standing Counsel for the TS Discoms are present.

A letter has been received from the learned Standing Counsel for the Commission

dated 20-10-2016 stating that in W.P.No.35039 of 2016 before the Hon'ble High Court

of Judicature at Hyderabad For the State of Telangana and the State of Andhra

Pradesh, the Hon'ble Division Bench, on 19-10-2016 directed the learned Standing

Counsel orally to inform this Commission to defer the hearing scheduled to be held on

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(Saturday) for further hearing.

Call on:

03-12-2016 at 11:00 AM

> Sd/-CHAIRMAN

- 11 -

O.P. No. 8 of 2013 & I.A. No. 1 of 2013

GVK Gautami Power Ltd Vs. DISCOMs, APPCC & APTRANSCO

Petition u/s 86 (1) (f) Electricity Act, 2003 seeking declaration that the petitioner is required to be compensated for capacity charges, transportation charges and imbalance

charges.

Sri T.V. Bhaskar, Legal Retainer, Advocate, Sri M. Sodekar, DGM (Law), Sri Madhu

Babu, DM (Law) for the petitioner, Sri G.V. Brahmananda Rao, learned counsel

representing Sri P. Shiva Rao, learned Standing Counsel for the AP Discoms and Sri

Y. Rama Rao, learned Standing Counsel for the TS Discoms are present.

A letter has been received from the learned Standing Counsel for the Commission

dated 20-10-2016 stating that in W.P.No.35039 of 2016 before the Hon'ble High Court

of Judicature at Hyderabad For the State of Telangana and the State of Andhra

Pradesh, the Hon'ble Division Bench, on 19-10-2016 directed the learned Standing

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(Saturday) for further hearing.

Call on:

03-12-2016 at 11:00 AM

> Sd/-CHAIRMAN

- 12 -

O.P. No. 9 of 2013 & I.A. No. 2 of 2013 GVK Industries Ltd Vs. DISCOMs. APPCC & APTRANSCO

Petition u/s 86 (1) (f) Electricity Act, 2003 seeking declaration that the petitioner is

required to be compensated for capacity charges, transportation charges and imbalance

charges.

Sri T.V. Bhaskar, Legal Retainer, Advocate, Sri M. Sodekar, DGM (Law), Sri Madhu

Babu, DM (Law) for the petitioner, Sri G.V. Brahmananda Rao, learned counsel

representing Sri P. Shiva Rao, learned Standing Counsel for the AP Discoms and Sri

Y. Rama Rao, learned Standing Counsel for the TS Discoms are present.

A letter has been received from the learned Standing Counsel for the Commission

dated 20-10-2016 stating that in W.P.No.35039 of 2016 before the Hon'ble High Court

of Judicature at Hyderabad For the State of Telangana and the State of Andhra

Pradesh, the Hon'ble Division Bench, on 19-10-2016 directed the learned Standing

Counsel orally to inform this Commission to defer the hearing scheduled to be held on

28-10-2016, as the matters were directed to be listed before Their Lordships of the

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(Saturday) for further hearing.

Call on:

03-12-2016 at 11:00 AM

> Sd/-CHAIRMAN

- 13 -

O.P. No. 12 of 2013

GMR Vemagiri Power Generation Ltd. Vs. APPCC, APTRANSCO & DISCOMs

Petition u/s 86 (1) (f) of the Electricity Act, 2003 seeking reimbursement of minimum fuel off take charges and other transportation charges from the respondents

Sri G.V. Brahmananda Rao, learned counsel representing Sri P. Shiva Rao, learned

Standing Counsel for the AP Discoms and Sri Y. Rama Rao, learned Standing Counsel

for the TS Discoms are present.

A letter has been received from the learned Standing Counsel for the Commission

dated 20-10-2016 stating that in W.P.No.35039 of 2016 before the Hon'ble High Court

of Judicature at Hyderabad For the State of Telangana and the State of Andhra

Pradesh, the Hon'ble Division Bench, on 19-10-2016 directed the learned Standing

Counsel orally to inform this Commission to defer the hearing scheduled to be held on

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(Saturday) for further hearing.

Call on:

03-12-2016 at 11:00 AM

> Sd/-CHAIRMAN

- 14 -

O.P.No. 23 of 2013

GVK Industries Ltd Vs. DISCOMs & APPCC

Petition u/s 86 (1) (f) of the Electricity Act, 2003 seeking to recover several amounts due

to it under various provisions of the PPA

Sri Ch. Pushyam Kiran, learned counsel for the petitioner, Sri G.V. Brahmananda Rao,

learned counsel representing Sri P. Shiva Rao, learned Standing Counsel for the AP

Discoms and Sri Y. Rama Rao, learned Standing Counsel for the TS Discoms are

present.

A letter has been received from the learned Standing Counsel for the Commission

dated 20-10-2016 stating that in W.P.No.35039 of 2016 before the Hon'ble High Court

of Judicature at Hyderabad For the State of Telangana and the State of Andhra

Pradesh, the Hon'ble Division Bench, on 19-10-2016 directed the learned Standing

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(Saturday) for further hearing.

Call on:

03-12-2016 at 11:00 AM

> Sd/-CHAIRMAN

- 15 -

O.P No. 24 of 2013 & I.A.No. 14 of 2013

M/s. GVK Industries Ltd (Phase-II) Vs. DISCOMs & APTRANSCO

Petition u/s 86 (1) (f) of the Electricity Act, 2003 for adjudication of disputes between the

parties and the IA also filed by the petitioner for interim orders.

Sri Ch. Pushyam Kiran, learned counsel for the petitioner, Sri G.V. Brahmananda Rao,

learned counsel representing Sri P. Shiva Rao, learned Standing Counsel for the AP

Discoms and Sri Y. Rama Rao, learned Standing Counsel for the TS Discoms are

present.

A letter has been received from the learned Standing Counsel for the Commission

dated 20-10-2016 stating that in W.P.No.35039 of 2016 before the Hon'ble High Court

of Judicature at Hyderabad For the State of Telangana and the State of Andhra

Pradesh, the Hon'ble Division Bench, on 19-10-2016 directed the learned Standing

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Call on:

03-12-2016 at 11:00 AM

> Sd/-CHAIRMAN

- 16 -

O.P (SR) No. 25 of 2013 & I.A (SR) No. 80 of 2013

RVK Energy Pvt. Ltd Vs. APPCC & 9 others

Petition u/s 86 (1) (f) of the Electricity Act, 2003 for claim for price of the power supplied

by the petitioner to Andhra Pradesh Power Coordination Committee (APPCC)

I.A filed by the petitioner u/s 94 of the Act

Sri T. Vizhay Baabu, learned counsel representing Sri Challa Gunaranjan, learned

counsel for the petitioner, Sri G.V. Brahmananda Rao, learned counsel representing Sri

P. Shiva Rao, learned Standing Counsel for the AP Discoms and Sri Y. Rama Rao,

learned Standing Counsel for the TS Discoms are present.

A letter has been received from the learned Standing Counsel for the Commission

dated 20-10-2016 stating that in W.P.No.35039 of 2016 before the Hon'ble High Court

of Judicature at Hyderabad For the State of Telangana and the State of Andhra

Pradesh, the Hon'ble Division Bench, on 19-10-2016 directed the learned Standing

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(Saturday) for further hearing.

Call on:

03-12-2016

at 11:00 AM

Sd/-**CHAIRMAN** 

- 17 -

O.P.No. 51 of 2013

Penna Cement Industries Ltd Vs. APTRANSCO, APPCC & DISCOMs

Petition u/s 86 (1) (f) of the Electricity Act, 2003 seeking to recover the amount Rs.2,66,34,295/- towards pending dues on account of supply of electricity

Sri J. Mukesh, learned counsel for the petitioner, Sri G.V. Brahmananda Rao, learned

counsel representing Sri P. Shiva Rao, learned Standing Counsel for the AP Discoms

and Sri Y. Rama Rao, learned Standing Counsel for the TS Discoms are present.

A letter has been received from the learned Standing Counsel for the Commission

dated 20-10-2016 stating that in W.P.No.35039 of 2016 before the Hon'ble High Court

of Judicature at Hyderabad For the State of Telangana and the State of Andhra

Pradesh, the Hon'ble Division Bench, on 19-10-2016 directed the learned Standing

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(Saturday) for further hearing.

Call on:

03-12-2016 at 11:00 AM

> Sd/-CHAIRMAN

- 18 -

## O.P. No. 58 of 2013 & I.A. No. 31 of 2013

M/s. GMR Vemagiri Power Generation Ltd Vs. APPCC, APTRANSCO & DISCOMs

Petition u/s 86 (1) (f) of the Electricity Act, 2003 seeking a declaration that respondents are liable to refund the Capacity Charges deducted from from the monthly invoices of the petitioner from October, 2012 onwards amounting to Rs. 121.62 crs and for award of interest till payment,

I.A. filed by the petitioner seeking to (a) declare that the actions of the respondents to effect deduction in the payment abstract of January, 2013 are violative of the provisions of the PPA and consequently (b) grant interim directions to the respondents restraining them forthwith from making any further / future deduction during pendency of the aforesaid petition (c) direct the respondents to forthwith refund the deduction made by them in the monthly tariff bill payment for the month of January and (d) direct the respondents to continue the payment of capacity charges as per the provisions of the

Sri G.V. Brahmananda Rao, learned counsel representing Sri P. Shiva Rao, learned Standing Counsel for the AP Discoms and Sri Y. Rama Rao, learned Standing Counsel for the TS Discoms are present.

A letter has been received from the learned Standing Counsel for the Commission dated 20-10-2016 stating that in W.P.No.35039 of 2016 before the Hon'ble High Court of Judicature at Hyderabad For the State of Telangana and the State of Andhra Pradesh, the Hon'ble Division Bench, on 19-10-2016 directed the learned Standing Counsel orally to inform this Commission to defer the hearing scheduled to be held on 28-10-2016, as the matters were directed to be listed before Their Lordships of the Division Bench on 02-11-2016. In view of the directions of the Division Bench of the Hon'ble High Court, all the 34 matters in which a common order was pronounced on the question of jurisdiction and O.P.No.10 of 2015 also stated by the learned counsel for both sides to be involving the same question of jurisdiction, are posted to 03-12-2016 (Saturday) for further hearing.

Call on : 03-12-2016 at 11:00 AM Sd/-

CHAIRMAN

O.P. No. 60 of 2013 & I.A. No. 37 of 2013

APPCC & DISCOMs Vs. Reliance Infrastructure Ltd

Petition filed u/s 86 (1) (f) of the Electricity Act, 2003 In the matter of "Ineligibility of Availability declarations with Alternate Fuel (Naphtha / HSD) by the respondent, after

the year 2009, and for deletion of alternate fuel clause"

IA filed by the petitioners u/s 128 of the Electricity Act, 2003 for appointment of a committee of technical officers and direct them to investigate the issue as to whether

there were tanks for storing Naptha at the project of the respondent and after the year

2009 and as to the probable date of dismantling of Naptha tanks, by inspecting the

project premises and the records

Sri G.V. Brahmananda Rao, learned counsel representing Sri P. Shiva Rao, learned

Standing Counsel for the AP Discoms and Sri Y. Rama Rao, learned Standing Counsel

for the TS Discoms and Sri Kankanedla Ravinder Kumar, Senior Advocate representing

Sri P. Vikram, Advocate, learned counsel for the respondent.

A letter has been received from the learned Standing Counsel for the Commission

dated 20-10-2016 stating that in W.P.No.35039 of 2016 before the Hon'ble High Court

of Judicature at Hyderabad For the State of Telangana and the State of Andhra

Pradesh, the Hon'ble Division Bench, on 19-10-2016 directed the learned Standing

Counsel orally to inform this Commission to defer the hearing scheduled to be held on

28-10-2016, as the matters were directed to be listed before Their Lordships of the

Division Bench on 02-11-2016. In view of the directions of the Division Bench of the

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both sides to be involving the same question of jurisdiction, are posted to 03-12-2016

(Saturday) for further hearing.

Call on:

03-12-2016 at 11:00 AM

Sd/-**CHAIRMAN** 

- 20 -

O.P. No. 1 of 2014

DISCOMs Vs. GVK Gautami Power Ltd

Petition u/s 86 (1) (b) and (f) of the Electricity Act, 2003 for deletion of the clause reflecting alternate fuel in the definition of the "Fuel" in the PPA entered by the parties

Sri G.V. Brahmananda Rao, learned counsel representing Sri P. Shiva Rao, learned

Standing Counsel for the AP Discoms, Sri Y. Rama Rao, learned Standing Counsel for

the TS Discoms and Sri Ch. Pushyam Kiran, Advocate for the respondent are present.

A letter has been received from the learned Standing Counsel for the Commission

dated 20-10-2016 stating that in W.P.No.35039 of 2016 before the Hon'ble High Court

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(Saturday) for further hearing.

Call on:

03-12-2016 at 11:00 AM

> Sd/-CHAIRMAN

- 21 -

O.P. No. 2 of 2014

DISCOMs Vs. GVK Industries Ltd

Petition u/s 86 (1) (b) and (f) of the Electricity Act, 2003 for deletion of the clause

reflecting alternate fuel in the definition of the "Fuel" in the PPA entered by the parties

Sri G.V. Brahmananda Rao, learned counsel representing Sri P. Shiva Rao, learned

Standing Counsel for the AP Discoms, Sri Y. Rama Rao, learned Standing Counsel for

the TS Discoms and Sri Ch. Pushyam Kiran, Advocate for the respondent are present.

A letter has been received from the learned Standing Counsel for the Commission

dated 20-10-2016 stating that in W.P.No.35039 of 2016 before the Hon'ble High Court

of Judicature at Hyderabad For the State of Telangana and the State of Andhra

Pradesh, the Hon'ble Division Bench, on 19-10-2016 directed the learned Standing

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(Saturday) for further hearing.

Call on:

03-12-2016 at 11:00 AM

> -/Sd Namenala

CHAIRMAN

- 22 -

O.P.No. 10 of 2014

Spectrum Power Generation Ltd Vs. APTRANSCO, DISCOMs & APPCC

Petition u/s 86 (1) (f) of the Electricity Act, 2003 for adjudication of disputes between the

parties with regard to Minimum Off Take Charges

Sri Ch. Pushyam Kiran, Advocate for the petitioner and Sri G.V. Brahmananda Rao,

learned counsel representing Sri P. Shiva Rao, learned Standing Counsel for the AP

Discoms, Sri Y. Rama Rao, learned Standing Counsel for the TS Discoms are present.

A letter has been received from the learned Standing Counsel for the Commission

dated 20-10-2016 stating that in W.P.No.35039 of 2016 before the Hon'ble High Court

of Judicature at Hyderabad For the State of Telangana and the State of Andhra

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Call on:

03-12-2016 at 11:00 AM

Sd/-CHAIRMAN

- 23 -

O.P. No. 12 of 2014 & I.A. No. 3 of 2014

Reliance Infrastructure Ltd Vs. DISCOMs & APPCC

Interlocutory Application filed by the petitioner u/s 94 (2) of the Electricity Act, 2003 for

restraining the respondents from deducting the capacity charges from the petitioner

Petition filed by the petitioner u/s 86 (1) (f) of the Electricity Act, 2003 seeking declaration that HSD is a alternative Fuel in terms of Article 1.1.27 of the PPA and

refund the unauthorized deductions of Rs.96,68,92,198/- made by the respondents from

the bills payable to the petitioner

Sri P. Vikram, learned counsel for the petitioner and Sri G.V. Brahmananda Rao,

learned counsel representing Sri P. Shiva Rao, learned Standing Counsel for the AP

Discoms and Sri Y. Rama Rao, learned Standing Counsel for the TS Discoms are

present.

A letter has been received from the learned Standing Counsel for the Commission

dated 20-10-2016 stating that in W.P.No.35039 of 2016 before the Hon'ble High Court

of Judicature at Hyderabad For the State of Telangana and the State of Andhra

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Call on:

03-12-2016 at 11:00 AM

Sd/-CHAIRMAN

- 24 -

O.P. No. 13 of 2014

KSK Mahanadi Power Company Ltd Vs. APEPDCL & APSPDCL

Petition u/s 86 (1) (f) of the Electricity Act, 2003 for adjudication of dispute relating to claim of respondents towards liquidated damages of Rs. 23.60 crs under Article 4.8 of

the Power Purchase Agreement (PPA) dated 31-07-2012 entered between the parties

Sri A. Sree Kanth, DGM – Business Development representing the petitioner and Sri

G.V. Brahmananda Rao, learned counsel representing Sri P. Shiva Rao, learned

Standing Counsel for the respondents are present.

A letter has been received from the learned Standing Counsel for the Commission

dated 20-10-2016 stating that in W.P.No.35039 of 2016 before the Hon'ble High Court

of Judicature at Hyderabad For the State of Telangana and the State of Andhra

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Call on:

03-12-2016 at 11:00 AM

Sd/-CHAIRMAN

- 25 -

O.P. No. 14 of 2014

DISCOMs & APPCC Vs. KSK Mahanadi Power Company Ltd & 4 others

Petition u/s 86 (1) (f) of the Electricity Act, 2003 for directions on illegal claim of Rs.

66.31 crs towards the transmission charges for the period 16th June, 2013 to 13th

August, 2013 and capacity charges for the period 16<sup>th</sup> June, 2013 to 26<sup>th</sup> July, 2013 by illegal invoking Letter of Credit by M/s. KSK Mahanadi Power Company Ltd., for the

period without supplying power to the petitioners

Sri G.V. Brahmananda Rao, learned counsel representing Sri P. Shiva Rao, learned

Standing Counsel for the petitioners and Sri A. Sree Kanth, DGM-Business

Development representing the respondent are present.

A letter has been received from the learned Standing Counsel for the Commission

dated 20-10-2016 stating that in W.P.No.35039 of 2016 before the Hon'ble High Court

of Judicature at Hyderabad For the State of Telangana and the State of Andhra

Pradesh, the Hon'ble Division Bench, on 19-10-2016 directed the learned Standing

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Call on:

03-12-2016 at 11:00 AM

Sd/-

**CHAIRMAN** 

- 26 -

O.P. No. 15 of 2014

E.I.D. Parry (India) Ltd Vs. APTRANSCO & DISCOMs

Petition u/s 86 (1) (f) of the Electricity Act, 2003 in relation to non-payment of fixed charges by truing annualized threshold PLF of 55% as per the tariff determined by the

Commission to the petitioner under the Power Purchase Agreement

Sri T. Vizhay Baabu, learned counsel representing Sri Challa Gunaranjan, learned

counsel for the petitioner, Sri G.V. Brahmananda Rao, learned counsel representing Sri

P. Shiva Rao, learned Standing Counsel for the AP Discoms and Sri Y. Rama Rao,

learned Standing Counsel for the TS Discoms are present.

A letter has been received from the learned Standing Counsel for the Commission

dated 20-10-2016 stating that in W.P.No.35039 of 2016 before the Hon'ble High Court

of Judicature at Hyderabad For the State of Telangana and the State of Andhra

Pradesh, the Hon'ble Division Bench, on 19-10-2016 directed the learned Standing

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Call on:

03-12-2016 at 11:00 AM

Sd/-CHAIRMAN

- 27 -

O.P.No. 20 of 2014

Silkroad Sugar Pvt. Ltd Vs. CMD / APTRANSCO & CE / APTRANSCO

Petitioner u/s 33 (4) & 86 (1) (f) of the Electricity Act, 2003 in the matter of refund of

excess recovered amount of Rs.2,51,55,786/-

Sri T. Vizhay Baabu, learned counsel representing Sri Challa Gunaranjan, learned

counsel for the petitioner, Sri G.V. Brahmananda Rao, learned counsel representing Sri

P. Shiva Rao, learned Standing Counsel for the respondents are present.

A letter has been received from the learned Standing Counsel for the Commission

dated 20-10-2016 stating that in W.P.No.35039 of 2016 before the Hon'ble High Court

of Judicature at Hyderabad For the State of Telangana and the State of Andhra

Pradesh, the Hon'ble Division Bench, on 19-10-2016 directed the learned Standing

Counsel orally to inform this Commission to defer the hearing scheduled to be held on

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Call on:

03-12-2016 at 11:00 AM

Sd/-CHAIRMAN

- 28 -

O.P. No. 34 of 2014

GVK Industries Ltd Vs. APEPDCL & 5 others

Petition filed for adjudication of disputes between the parties

Sri Ch. Pushyam Kiran, learned counsel for the petitioner, Sri G.V. Brahmananda Rao,

learned counsel representing Sri P. Shiva Rao, learned Standing Counsel for the AP

Discoms and Sri Y. Rama Rao, learned Standing Counsel for the TS Discoms are

present.

A letter has been received from the learned Standing Counsel for the Commission

dated 20-10-2016 stating that in W.P.No.35039 of 2016 before the Hon'ble High Court

of Judicature at Hyderabad For the State of Telangana and the State of Andhra

Pradesh, the Hon'ble Division Bench, on 19-10-2016 directed the learned Standing

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(Saturday) for further hearing.

Call on:

03-12-2016

at 11:00 AM

Sd/-CHAIRMAN

- 29 -

O.P. No. 37 of 2014 & I.A. No. 9 of 2014

Spectrum Power Generation Ltd Vs. APTRANSCO & 5 others

Petition filed under Section 86 (1) (f) of the Electricity Act, 2003 seeking adjudication of

disputes between the parties, along with Interlocutory Application (I.A. No. 9 of 2014)

Sri Ch. Pushyam Kiran, learned counsel for the petitioner, Sri G.V. Brahmananda Rao,

learned counsel representing Sri P. Shiva Rao, learned Standing Counsel for the AP

Discoms and Sri Y. Rama Rao, learned Standing Counsel for the TS Discoms are

present.

A letter has been received from the learned Standing Counsel for the Commission

dated 20-10-2016 stating that in W.P.No.35039 of 2016 before the Hon'ble High Court

of Judicature at Hyderabad For the State of Telangana and the State of Andhra

Pradesh, the Hon'ble Division Bench, on 19-10-2016 directed the learned Standing

Counsel orally to inform this Commission to defer the hearing scheduled to be held on

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Call on:

03-12-2016 at 11:00 AM

Sd/-CHAIRMAN

- 30 -

O.P. No. 38 of 2014

Spectrum Power Generation Ltd Vs. APTRANSCO & 5 others

Petition filed under Section 86 (1) (f) of the Electricity Act, 2003 seeking adjudication of

disputes between the parties.

Sri Ch. Pushyam Kiran, learned counsel for the petitioner, Sri G.V. Brahmananda Rao,

learned counsel representing Sri P. Shiva Rao, learned Standing Counsel for the AP

Discoms and Sri Y. Rama Rao, learned Standing Counsel for the TS Discoms are

present.

A letter has been received from the learned Standing Counsel for the Commission

dated 20-10-2016 stating that in W.P.No.35039 of 2016 before the Hon'ble High Court

of Judicature at Hyderabad For the State of Telangana and the State of Andhra

Pradesh, the Hon'ble Division Bench, on 19-10-2016 directed the learned Standing

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Call on:

03-12-2016 at 11:00 AM

> Sd/-CHAIRMAN

- 31 -

O.P.No. 40 of 2014

Bharath Aluminum Company Ltd Vs. PTC India Ltd., & 2 others

Petition filed under Section 86 (1) (f) of the Electricity Act, 2003 for recovery of

compensation deducted from the petitioner purportedly towards non-supply of power

Sri Ravi Kishore, Sri Guntur Pramod Kumar, Advocates for the petitioner, Sri Y. Rama

Rao, learned Standing Counsel for TSSPDCL and Sri G.V. Brahmananda Rao, learned

counsel representing Sri P. Shiva Rao, learned Standing Counsel for the respondents

are present.

A letter has been received from the learned Standing Counsel for the Commission

dated 20-10-2016 stating that in W.P.No.35039 of 2016 before the Hon'ble High Court

of Judicature at Hyderabad For the State of Telangana and the State of Andhra

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Call on:

03-12-2016 at 11:00 AM

> Sd/-CHAIRMAN

- 32 -

O.P. No. 46 of 2014

KSK Mahanadi Power Company Ltd Vs. APEPDCL & APSPDCL

Petition filed under Section 86 (1) (f) of the Electricity Act, 2003 seeking adjudication of disputes arising under the Power Purchase Agreement dated 31.07.2012 between the

parties

Sri A. Sree Kanth, DGM-Business Development representing the petitioner and Sri G.V.

Brahmananda Rao, learned counsel representing Sri P. Shiva Rao, learned Standing

Counsel for the respondents are present.

A letter has been received from the learned Standing Counsel for the Commission

dated 20-10-2016 stating that in W.P.No.35039 of 2016 before the Hon'ble High Court

of Judicature at Hyderabad For the State of Telangana and the State of Andhra

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Call on:

03-12-2016 at 11:00 AM

> Sd/-CHAIRMAN

- 33 -

O.P.No. 56 of 2014

Spectrum Power Generation Ltd Vs. APTRANSCO & 5 others

Petition filed under Section 86 (1) (f) read with Sections 86 (1) (a) and 86 (1) (k) of the

Electricity Act, 2003 for approval of completed capital cost incurred by the petitioner

Sri Ch. Pushyam Kiran, learned counsel for the petitioner, Sri G.V. Brahmananda Rao,

learned counsel representing Sri P. Shiva Rao, learned Standing Counsel for the AP

Discoms and Sri Y. Rama Rao, learned Standing Counsel for the TS Discoms are

present.

A letter has been received from the learned Standing Counsel for the Commission

dated 20-10-2016 stating that in W.P.No.35039 of 2016 before the Hon'ble High Court

of Judicature at Hyderabad For the State of Telangana and the State of Andhra

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Call on:

03-12-2016 at 11:00 AM

Sd/-CHAIRMAN

- 34 -

R.P. No. 1 of 2014 in O.P. No. 44 of 2013

APTRANSCO & 5 others (Respondents in main case) Vs. Spectrum Power Generation

Ltd (Petitioner in main case)

Petition filed under Section 94 (1) (f) of the Electricity Act, 2003 seeking review the

Commission's order dt. 27.07.2013 in O.P. No. 44 of 2013

Sri G.V. Brahmananda Rao, learned counsel representing Sri P. Shiva Rao, learned

Standing Counsel for the AP Discoms, Sri Y. Rama Rao, learned Standing Counsel for

the TS Discoms and Sri Ch. Pushyam Kiran, learned counsel for the respondent are

present.

A letter has been received from the learned Standing Counsel for the Commission

dated 20-10-2016 stating that in W.P.No.35039 of 2016 before the Hon'ble High Court

of Judicature at Hyderabad For the State of Telangana and the State of Andhra

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Call on:

03-12-2016 at 11:00 AM

> Sd/-CHAIRMAN

- 35 -

O.P. No. 10 of 2015

Lanco Kondapalli Power Ltd Vs. APPCC, APSPDCL & APEPDCL

Petition under Section 86 (1) (f) of the Electricity Act, 2003 claiming reimbursement of Bank Guarantee Commission being part of Finance & Procurement costs

Barin Gaarantee Commission Being part of Finance & Frederich Cher

Sri T. Vizhay Baabu, learned counsel representing Sri Challa Gunaranjan, learned

counsel for the petitioner, Sri G.V. Brahmananda Rao, learned counsel representing Sri

P. Shiva Rao, learned Standing Counsel for the AP Discoms are present.

A letter has been received from the learned Standing Counsel for the Commission

dated 20-10-2016 stating that in W.P.No.35039 of 2016 before the Hon'ble High Court

of Judicature at Hyderabad For the State of Telangana and the State of Andhra

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Call on:

03-12-2016 at 11:00 AM

Sd/-CHAIRMAN

- 36 -

## O.P. No. 44 of 2014

International Paper APPM Ltd (The Andhra Pradesh Paper Mills Ltd) Vs. APSLDC

Petition seeking accreditation of the petitioner's renewable energy project

The hearing scheduled on 29-10-2016 is advanced to today i.e., 28-10-2016 at 03.00 PM

Because the Chairman and the Members will not be attending the Commission on 29-10-2016 and the matter originally posted to that date cannot be heard, the matter is *suo motu* advanced to today and posted for further hearing to 26-11-2016.

Call on: 26-11-2016 at 11:00 AM

Sd/-CHAIRMAN