

Record of proceedings dated 29-04-2017

Power cost reimbursement to Ferro Alloy Industry – Non-compliance of Commission’s Directions

Sri. Solomon Arokia Raj, IAS, Secretary to GoAP, Industries & Commerce Department is present and filed a letter along with a detailed note on the reasons for non-compliance with the directions of the Commission, which reasons are administrative in nature. The note also stated that the file is again circulated for payment for the year 2016-17 and the amount would be paid as soon as the releases are made by the Finance Department. He sought for 45 days time for compliance. In view of the statement and the note, time is granted till 17-06-2017 for compliance. The compliance can be reported to the Commission on that date through a responsible officer of Industries & Commerce Department. The personal attendance of the Secretary, Industries & Commerce Department is dispensed with for that date of hearing and he is informed.

Call on:

17-06-2017
at 11:00 AM

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CHAIRMAN

O.P.No.5 of 2017

APSPDCL & APEPDCL Vs ---

Public Hearing on the 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. M. Abhinay, representing Sri P. Vikram, learned counsel representing (i) Indian Wind Energy Association & (ii) Indian Wind Turbine Manufacturers Association, Sri Rakesh Shah representing Adani Green Energy Ltd., Sri. V. Sailendra representing Indian Wind Power Association (AP State Council), Sri M. Venugopala Rao and Sri M. Thimma Reddy, learned objectors are present.

Sri P. Shiva Rao, learned Standing Counsel for the petitioners filed the responses of the DISCOMs to the objections. Sri M. Venugopala Rao, learned objector stated that he need not respond to the response of DISCOMs as their stated that his suggestions can be considered. The other objectors sought for time for responding to the response of DISCOMs. Hence posted to 20-05-2017

Call on:

20-05-2017
at 11:00 AM

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I.A. No. 4 of 2017 in O.P.No.1 of 2017

APSPDCL & APEPDCL Vs M/s. Vijayeebhava Enterprises Pvt Ltd & 43 others

Public Hearing on the Petition filed under Regulation 55 (2) & (3) of APERC (Conduct of Business) Regulation, 1999 to amend tariff orders in respect of wind power projects to be in compliance with Regulation 20 of Regulation No.1 of 2015.

Sri P. Shiva Rao, learned Standing Counsel for the petitioners, Sri. T. Vizhay Babu for Sri Challa Gunaranjan, learned counsel representing (i) M/s. Rayala Wind Power Company Private Ltd., (ii) M/s. Sunwin Power tech India (P) Ltd. (iii) M/s. Vibrant Green tech India Ltd., (iv) M/s. Mythrah Vaayu (Indravathi) Pvt. Ltd., (v) M/s. Orange Anantapur Wind Power Pvt. Limited (vi) M/s. Sandla Wind Power Project Limited (vii) M/s. Poly Solar Parks Pvt. Ltd. (viii) M/s. Hetero Wind Power (Pennar) Pvt. Ltd. (ix) M/s.

Ostro Anantapur Pvt. Ltd., (x) M/s. Orange Uravakonda Wind Power Pvt. Ltd., (xi) M/s. RENEW Wind Energy Pvt. Ltd., (xii) M/s. Tata Power Renewable Energy Ktd and M/s. Mytrah Vayu (Tungabhadra) Pvt. Ltd., Sri V. Sailendra, representing Indian Wind Power Association, representing (i) M/s. Sri Vijayeebhava Enterprises Private Ltd., (ii) M/s. Karam Chand Thapar & Bros Limited (iii) M/s. Jindal Aluminium Ltd. (iv) M/s. Levelstate Systems Pvt. Ltd. (v) M/s. Shrinath Gum & Chemicals (vi) M/s. Sai Pet Preforms (vii) M/s. Hi-Tech Systems & Services Ltd., (viii) M/s. Kaushaliya Devi Dhoot (ix) M/s. Satyanarayana Dhoot (x) M/s. Chimique (India) Ltd. (xi) M/s. Rajasthan Gum Private Limited (xii) M/s. Dinesh Enterprises (xiii) M/s. KCT (20.4 MW) Renewable Energy Pvt. Ltd. (xiv) M/s. ZR Renewable Energy Pvt. Ltd., & (xv) M/s. Sterling Agro Industries Ltd., learned respondents and Sri V. Sailendra, representing Indian Wind Power Association (AP State Council) and Sri M. Venugopala Rao, learned objector are present.

Heard Sri P. Shiva Rao, learned Standing Counsel for the petitioners and Sri. K. Gopal Choudary & T. Vizhay Babu representing Sri. Challa Gunaranjan, learned counsel for the proposed parties. Proposed parties have no objection to impleadment. Hence, I.A. No. 4 of 2017 is allowed. The impleadment be carried out in the main petition and fair copy of the petition be filed. Sri P. Shiva Rao, learned Standing Counsel for the petitioners stated that he also filed rejoinder to the counters filed by the contesting respondents. Hence, the matter is posted to 20-05-2017 for hearing.

Call on:

20-05-2017
at 11:00 AM

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O.P.No.12 of 2017

APEPDCL Vs ---

Petition filed for implementation of Agricultural DSM Project through distribution of BEE 5 star rated 5 HP submersible pump sets and smart control pannels with 5 years warranty in the 5 Districts namely, Visakhapatnam, Srikakulam, Vizianagaram, East Godavari and West Godavari under Demand Side Management programme.

Sri P. Shiva Rao, learned Standing Counsel for the petitioner, Sri M. Thimma Reddy, learned objector are present.

Orders pronounced vide separate orders

24. Accordingly,-

- a) the petitioner is permitted to implement the Agricultural Demand Side Management project making the required capital investment and executing the project in accordance with the Agricultural Demand Side Management agreement dated 25-02-2017 between the petitioner and EESL, subject to the Terms and Conditions stated hereinafter;
- b) the petitioner and EESL have to comprehensively re-assess and arrive at reasonable and acceptable installation cost per unit (per pump set), cost of awareness and distribution and PMC charges for 5 years and report to the Commission within 2 months from the date of this order, the reasonable amounts arrived at between the parties together or at different quantum by them under these three heads and obtain the approval of the Commission for finanlising such installation cost, cost of awareness and distribution and PMC charges as considered just and reasonable by the Commission, while the execution of this project shall be taken up and proceeded forthwith even in the meanwhile;
- c) the petitioner shall ensure that the capacity of the existing pump set is 5 HP only and that the service connection has a proper voltage before replacing the existing pump sets with new Energy Efficient Pump Sets;

- d) the petitioner shall ensure supply of power at proper voltage before replacing the existing pump set with a new energy efficient pump set, if the voltage profile of the service connection is poor before such replacement;
- e) the officer of the petitioner entrusted with the duty by the petitioner and the beneficiary consumer shall, at the time of replacement, certify jointly that the old pump set was replaced with an energy efficient pump set. If an inspection at any time during the period of warranty of 5 years is carried out and if such energy efficient pump set were to be found absent in that service connection, the petitioner shall cause a preliminary enquiry into the responsibility of the consumer and/or the officer and initiate an appropriate criminal and / or civil action against the consumer and /or an appropriate disciplinary enquiry against the officer;
- f) the petitioner shall ensure repair and maintenance of the energy efficient pump sets including the smart control panel within two days from the date of noticing the defect or failure of the pump set and in default the petitioner shall recover agreed penalty as stipulated under the Terms and Conditions of supply of the pump set, except if the petitioner is satisfied that any delay beyond two days is for reasons beyond the control of the person responsible for repair and maintenance;
- g) the petitioner shall submit a quarterly performance and compliance report on the implementation of the project, more particularly about the quantum of actual energy savings and the cost benefit analysis done through a 3rd party, the first such report becoming due by 1st August 2017;
- h) the petitioner shall cause the consumption of energy per feeder per month recorded for the feeders under which it is proposing to replace the old pump sets with energy efficient pump sets in execution of this order from the date of communication of this order till such replacement to provide a verifiable basis for assessment of the actual energy savings
- i) the petitioner shall examine the issues raised and concerns expressed by the objectors and expeditiously take appropriate corrective measures in public

interest and in the interest of the power sector in the state and communicate the action taken to the Commission from time to time;

and

j) the petitioner shall bear his own costs.

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Public Hearing on 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 representing M/s. Simhapuri Energy Limited, Sri P. Shiva Rao, learned Standing Counsel for APSPDCL, Sri I.V. Siddhivardhana, learned counsel representing M/s. Meenakshi Energy Limited (implead petitioner), Sri M. Venugopala Rao, Sri. M. Thimma Reddy, Nikhil Khadkikar, learned counsel representing Sri M. Prakash, learned objectors are present.

Sri K. Gopal Choudary, learned counsel filed the order of the Hon'ble High Court in W.P.No. 6143 of 2017 dt. 27-04-2017 making it clear that this Commission may go on with the process of hearing the objections and also arguments but no final decision shall be taken. The writ petition is posted 05-06-2017 for judgment. Hence the matter is posted to 09-06-2017 (Friday) at 2.30 PM for hearing. The DISCOMs have filed their reply to the objections of Sri. M. Thimma Reddy.

Call on:

09-06-2017
at 02:30 PM

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CHAIRMAN

O.P. No. 4 of 2017

APEPDCL Vs M/s. Srivathsa Power Projects Ltd

Petition filed under Section 86 (1) (b) & (f) of the Electricity Act, 2003 to amend the Article 2.4 of the PPA subsisting with the respondent

Sri P. Shiva Rao, learned Standing Counsel for the petitioner and Sri V.R.N. Prashanth and Ms.Rashmi G Kamath , learned counsel representing Indus Law Firm for the respondent are present.

Counsel for the respondent requested time for counter. Hence, time extended for counter, posted to 03-06-2017.

Call on:

03-06-2017
at 11:00 AM

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O.P. No. 6 of 2017

APSPDCL & APEPDCL Vs M/s. Reliance Infrastructure Ltd., TSSPDCL & TSNPDCL
(R-2 & R-3 are Proforma Parties)

Petition filed under Section 86 (1) (f) of the Electricity Act, 2003 requesting the Commission to direct the Respondent No.1 (M/s. Reliance Infrastructure Ltd) to pay for the energy consumed by the latter towards auxiliary consumption for its 220 MW power project at Samalkot at HT-1 scheduled tariff

Sri P. Shiva Rao, learned Standing Counsel for the petitioners and Sri. M. Abhinay representing Sri P. Vikram, learned counsel for the 1st respondent are present.

Counsel for the 1st respondent sought for time for counter. Hence, time extended for counter, posted to 03-06-2017.

Call on:

03-06-2017
at 11:00 AM

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CHAIRMAN

O.P. No. 11 of 2015

APSPDCL & APEPDCL Vs Konaseema Gas Power Ltd

Petition under Section 86 (1) (b) and (f) of the Electricity Act, 2003 to delete Clause reflecting alternate fuel in the definition of "Fuel" in the PPA entered by M/s. Konaseema Gas Power Ltd., with APTRANSCO, APDISCOMs

Sri P. Shiva Rao, learned Standing Counsel for the petitioners and Sri E. Satish Kumar, learned counsel for the respondent are present.

Counter filed. At request Sri P. Shiva Rao, learned Standing Counsel for rejoinder, posted to 03-06-2017.

Call on: 03-06-2017
at 11:00 AM

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O.P.No.3 of 2017

M/s. Tirumala Cotton & Agro Products Pvt. Ltd Vs APTRANSCO and APSPDCL & 2 others

Petition u/s 86 (1) (f) of the Electricity Act, 2003 r/w APERC (Conduct of Business) Regulations, 1999 challenging levy of Transmission Charges & Wheeling Charges on account of wheeling the power from its wind power plants for captive consumption

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

At request of the Sri P. Shiva Rao, learned Standing Counsel for the respondents, time extended for counter till 15-05-2017.

Call on: 15-05-2017
at 11:00 AM

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O.P.No.13 of 2017

M/s. Ravali Spinners Pvt Ltd Vs APTRANSCO

Petition u/s 86 (1) (f) of the Electricity Act, 2003 r/w APERC (Conduct of Business) Regulations, 1999 challenging levy of Transmission Charges on account of wheeling the power from its wind power plants for captive consumption

Sri T. Vizhay Babu, learned counsel representing Sri Challa Gunaranjan, learned counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the respondent are present.

At request of the Sri P. Shiva Rao, learned Standing Counsel for the respondents, time extended for counter till 15-05-2017.

Call on: 15-05-2017
at 11:00 AM

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CHAIRMAN

O.P.No.31 of 2016

M/s. Rain Cements Ltd Vs APSLDC & APSPDCL

Petition under Section 86 (1) (e) of the Electricity Act, 2003 r/w clause 9 of Regulation 1 of 2012 for exempting the petitioner from the Renewable Power Purchase Obligation under Regulation 1 of 2012

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

At request of Sri P. Shiva Rao, learned Standing Counsel, posted to 03-06-2017 for hearing.

Call on: 03-06-2017
at 11:00 AM

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CHAIRMAN

O.P. No. 14 of 2017

M/s. Tirumala Cotton & Agro Products Pvt. Ltd Vs. SLDC / APTRANSCO & APSPDCL

Petition filed under Section 86 (1) (f) of the Electricity Act, 2003 r/w Clause 15 of the Regulation 2 of 2006 & APERC (Conduct of Business) Regulations, 1999 challenging inaction of the R-1 not allotting the schedule to the petitioner in spite of the request made by the R-2 to wheel its deemed banked energy banked during the period 31-03-2015 to 23-06-2015 to its scheduled consumers HT SC Nos. GNT-740 and GNT-491

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

At request of Sri P. Shiva Rao, learned Standing Counsel for the respondents, time extended to 20-05-2017 for counter.

Call on:

20-05-2017
at 11:00 AM

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CHAIRMAN

O.P. No. 21 of 2016

APSPDCL & APEPDCL Vs Andhra Pradesh Power Development Company Ltd
(APPDCL)

Public Hearing on 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, dated 24-08-2016

Sri P. Shiva Rao, learned Standing Counsel for the petitioners, Sri K. Gopal Choudary, learned counsel for the respondent, Sri M. Thimma Reddy and Sri M. Venugopala Rao, learned objectors are present. Other objectors are absent.

During the course of hearing, the Chairman has expressed his desire to withdraw from the case in the light of the letter dt. 22-04-2017 of Sri. M. Venugopala Rao, Senior Journalist & Convener, Center for Power Studies. In view of the same, the case is re-posted to 20-06-2017 (Tuesday) at 2.30 PM.

Call on:

20-06-2017
at 02:30 PM

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