

**Record of proceedings dated 17-03-2018**

I.A.No.5 of 2017 in O.P.No.28 of 2016  
APSPDCL Vs ---

In the matter of approval for additional surcharge from Open Access consumers during FY 2017-18 under Section 42 (4) of the Electricity Act, 2003

Sri P. Shiva Rao, learned Standing Counsel for the petitioner, Sri N. Phani, learned counsel representing Sri Challa Gunaranjan, learned counsel for (i) M/s. Parasakti Cement Industries Limited, (ii) M/s. KCP Cement & Sugar Industries Limited, (iii) M/s. GREENCO, (iv) Reddy Laboratories & (v) Mylan Laboratories, Sri P. Sri Raghu Ram, Senior Counsel representing Sri Alladi Ravinder, learned counsel for M/s. Sree Rayalaseema Alkalies and Allied Chemicals Limited and Sri Anand K Ganesan, learned counsel for Indian Energy Exchange (IEX) and Sri K. Gopal Choudary, learned counsel for ITC Limited, learned objectors are present.

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

Call on:

07-04-2018  
at 11:00 AM

Sd/-  
MEMBER / PRM

Sd/-  
MEMBER / PR

Sd/-  
CHAIRMAN

I.A.No.6 of 2017 in O.P.No.29 of 2016  
APEPDCL Vs ---

In the matter of approval for additional surcharge from Open Access consumers during FY 2017-18 under Section 42 (4) of the Electricity Act, 2003

Sri P. Shiva Rao, learned Standing Counsel for the petitioner, Sri N. Phani, learned counsel representing Sri Challa Gunaranjan, learned counsel for (i) M/s. Parasakti Cement Industries Limited, (ii) M/s. KCP Cement & Sugar Industries Limited, (iii) M/s. GREENCO, (iv) Reddy Laboratories & (v) Mylan Laboratories, Sri P. Sri Raghu

Ram, Senior Counsel representing Sri Alladi Ravinder, learned counsel for M/s. Sree Rayalaseema Alkalies and Allied Chemicals Limited and Sri Anand K Ganesan, learned counsel for Indian Energy Exchange (IEX) and Sri K. Gopal Choudary, learned counsel for ITC Limited, learned objectors are present.

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

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

Sd/-  
MEMBER / PRM

Sd/-  
MEMBER / PR

Sd/-  
CHAIRMAN

O.P.No.2 of 2017

M/s. Richmond Power Pvt. Ltd. Vs APEPDCL

Public hearing in the Petition filed u/s 86 (1) (a) of the Electricity Act, 2003 r/w Regulation 55 [Saving of inherent power of the Commission] of the APERC (Conduct of Business) Regulations, 1999

Sri P. Vikram, learned counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the respondent are present.

Sri P. Vikram, learned counsel for the petitioner filed a reply to the additional submissions of the respondent dated 30-12-2017. For hearing, the matter is posted to 21-04-2018.

Call on: 21-04-2018  
at 11:00 AM

Sd/-  
MEMBER / PRM

Sd/-  
MEMBER / PR

Sd/-  
CHAIRMAN

I.A.No.12 of 2017 in O.P.Nos.1 & 2 of 2015  
APSPDCL & APEPDCL Vs GoAP

Petition seeking approval of the Commission for true-up for FY 2015-16 pertaining to the increase in power purchase costs and additional subsidy required from GoAP towards additional sales to agricultural consumers during FY 2015-16

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

At request, the matter is posted for hearing to 21-04-2018.

Call on: 21-04-2018  
at 11:00 AM

Sd/-  
MEMBER / PRM

Sd/-  
MEMBER / PR

Sd/-  
CHAIRMAN

O.P.No.48 of 2017  
APSPDCL & APEPDCL Vs APGENCO

Application filed under Section 21 (1), (5) of the A.P. Electricity Reform Act, 1998 for granting consent for the Amended and Restated PPA for 2 x 25 MW Nagarjuna Sagar Tail Pond Hydro Electric Station (NSTPHES) dated 02-08-2017

Sri P. Shiva Rao, learned Standing Counsel for the petitioners and Sri Someswara Rao, SAO representing the respondent are present.

No objector is present. Hence, the matter is posted finally for hearing to 31-03-2018.

Call on: 31-03-2018  
at 11:00 AM

Sd/-  
MEMBER / PRM

Sd/-  
MEMBER / PR

Sd/-  
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.

Sri P. Shiva Rao, learned Standing Counsel for the utilities and Sri K. Gopal Choudary, learned *Amicus Curiae* stated that final details of the load forecasts are

being worked out by the officers. Hence, the matter is posted for hearing to 31-03-2018.

Call on: 31-03-2018  
at 11:00 AM

Sd/-  
MEMBER / PRM

Sd/-  
MEMBER / PR

Sd/-  
CHAIRMAN

O.P.No.4 of 2018

APSPDCL & APEPDCL Vs M/s. KSK Mahanadi Power Company Ltd

Petition filed under Section 821 (4) of the A.P. Electricity Reforms Act, 1998 read with Section 86 (1) (b) of the Electricity Act, 2003 seeking approval for the supplemental agreement to the long term power purchase agreement of respondent for incorporation of the discount in tariff (in paise / unit) under policy guidelines of SHAKTI Policy of Government of India

Sri P. Shiva Rao, learned Standing Counsel for the petitioners and Sri Anand K Ganesan, learned counsel for the respondent along with Sri Sreekanth representing the respondent are present.

Orders pronounced (*vide separate order*)

“Heard Sri P. Shiva Rao, learned Standing Counsel for the petitioners and Sri Anand K Ganesan, learned counsel for the respondent. The petition is for approval of the supplemental agreement amending Schedule 4 of the original Power Purchase Agreement and for addition of Schedule 4A describing the formula to arrive at the discount amount for all the coal sources under SHAKTI scheme entered into by the respondent with the petitioners on 23-01-2018. In the affidavit on behalf of the respondent dated 16-02-2018, it was stated that the approval sought for may be relevant for the purpose of retail supply tariff approved by this Commission, whereas the other aspects of the Power Purchase Agreement are within the jurisdiction of Hon’ble Central Electricity Regulatory Commission. Again, an additional affidavit has been

filed on behalf of the respondent on 16-03-2018 bringing to the notice of this Commission, orders of the Hon'ble Central Electricity Regulatory Commission in Petition No.21/MP/2018 dated 21-02-2018 wherein the Hon'ble Central Electricity Regulatory Commission approved the amendments to the Power Purchase Agreements. The Hon'ble Central Electricity Regulatory Commission in its order stated in Para 22 that after approval of the amendments to the PPAs, the concerned distribution companies may approach the respective SERCs for approval of the electricity purchase and procurement by the distribution companies under Section 86 (1) (b) of the Electricity Act, 2003 and ultimately amendments to the Power Purchase Agreements between the petitioners herein and the respondent herein were approved by the Hon'ble Central Electricity Regulatory Commission along with Power Purchase Agreements between the respondent and some others. In view of the admitted facts, the petition requesting to approve the supplemental agreement incorporating the amendments approved by the Hon'ble Central Electricity Regulatory Commission has to be necessarily allowed, which is the joint request of both the parties.

Hence, the Original Petition is allowed. No costs”.

Sd/-  
MEMBER / PRM

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MEMBER / PR

Sd/-  
CHAIRMAN

O.P.No.37 of 2017 & I.A.No.13 of 2017  
M/s. Tata Power Renewable Energy Ltd., Vs APSPDCL & 3 others

Petition under Section 86 (1) (f) of the Electricity Act, 2003 r/w APERC (Conduct of Business) Regulations, 1999 challenging deduction of the Generation Based Incentive (GBI) amount from the payments due to the petitioner on account of energy supplied under the PPA Dt. 31-10-2016 and to refund the same with interest

Sri N. Phani, learned counsel representing Sri Challa Gunaranjan, learned counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the A.P. Distribution Companies are present.

At request, the matter is posted for hearing to 31-03-2018.

Call on:

31-03-2018  
at 11:00 AM

Sd/-  
MEMBER / PRM

Sd/-  
MEMBER / PR

Sd/-  
CHAIRMAN

O.P.No.38 of 2017 & I.A.No.14 of 2017  
M/s. JED Solar Parks Pvt Ltd. Vs APSPDCL & 3 others

Petition under Section 86 (1) (f) of the Electricity Act, 2003 r/w APERC (Conduct of Business) Regulations, 1999 challenging deduction of the Generation Based Incentive (GBI) amount from the payments due to the petitioner on account of energy supplied under the PPA Dt. 31-10-2016 and to refund the same with interest

Sri N. Phani, learned counsel representing Sri Challa Gunaranjan, learned counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the A.P. Distribution Companies are present.

At request, the matter is posted for hearing to 31-03-2018.

Call on:

31-03-2018  
at 11:00 AM

Sd/-  
MEMBER / PRM

Sd/-  
MEMBER / PR

Sd/-  
CHAIRMAN

O.P.No.39 of 2017 & I.A.No.15 of 2017  
M/s. POLY Solar Parks Pvt Ltd. Vs APSPDCL & 3 others

Petition under Section 86 (1) (f) of the Electricity Act, 2003 r/w APERC (Conduct of Business) Regulations, 1999 challenging deduction of the Generation Based Incentive (GBI) amount from the payments due to the petitioner on account of energy supplied under the PPA Dt. 31-10-2016 and to refund the same with interest

Sri N. Phani, learned counsel representing Sri Challa Gunaranjan, learned counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the A.P. Distribution Companies are present.

At request, the matter is posted for hearing to 31-03-2018.

Call on: 31-03-2018  
at 11:00 AM

Sd/-  
MEMBER / PRM

Sd/-  
MEMBER / PR

Sd/-  
CHAIRMAN

O.P.No.66 of 2017  
M/s. Jindal Aluminium Ltd Vs APSPDCL & 3 others

Petition under Section 86 (1) (f) of the Electricity Act, 2003 r/w APERC (Conduct of Business) Regulations, 1999 challenging deduction of the Generation Based Incentive (GBI) amount from the payments due to the petitioner and withholding energy bills on account of energy supplied under the PPA Dt. 17-10-2015 and to refund the same

Sri N. Phani, learned counsel representing Sri Challa Gunaranjan, learned counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the A.P. Distribution Companies are present.

At request, the matter is posted for hearing to 31-03-2018.

Call on: 31-03-2018  
at 11:00 AM

Sd/-  
MEMBER / PRM

Sd/-  
MEMBER / PR

Sd/-  
CHAIRMAN

O.P.No.53 of 2017  
Sri D. Chinna Raghavulu Vs APTRANSCO & 4 others

Application seeking compensation for violation of Rule 3 (1) & (2) of the Andhra Pradesh Works of Licensee Rules, 2007

Sri P. Chungal Reddy, learned counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the A.P. Distribution Companies are present.

Orders pronounced (*vide separate common order*)

**16.** Accordingly the matters are remitted back to the Collector, Krishna District for reconsideration of the subject matter of his proceedings in (i) H2/1410/2013 dated 20-06-2013, (ii) Rc.H2/72/2012 dated 21-05-2014, (iii) Rc.H2/278/2014 dated 10-06-2014 & (iv) Rc.No.H7/1767/2015 dated 05-08-2015 and redetermination of reasonable and full compensation to which each of the petitioners is entitled to by reason of the works of the licensees in question, on merits, in accordance with law in general and the Andhra Pradesh Works of Licensees Rules, 2007 in particular.

**17.** The Original Petitions are ordered accordingly. No costs”.

Sd/-  
MEMBER / PRM

Sd/-  
MEMBER / PR

Sd/-  
CHAIRMAN

O.P.No.54 of 2017  
Sri Delli Balaraju Vs APTRANSCO & 4 others

Application seeking compensation for violation of Rule 3 (1) & (2) of the Andhra Pradesh Works of Licensee Rules, 2007

Sri P. Changal Reddy, learned counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the A.P. Distribution Companies are present.

Orders pronounced (*vide separate common order*)

**16.** Accordingly the matters are remitted back to the Collector, Krishna District for reconsideration of the subject matter of his proceedings in (i) H2/1410/2013 dated 20-06-2013, (ii) Rc.H2/72/2012 dated 21-05-2014, (iii) Rc.H2/278/2014 dated 10-06-2014 & (iv) Rc.No.H7/1767/2015 dated



05-08-2015 and redetermination of reasonable and full compensation to which each of the petitioners is entitled to by reason of the works of the licensees in question, on merits, in accordance with law in general and the Andhra Pradesh Works of Licensees Rules, 2007 in particular.

**17.** The Original Petitions are ordered accordingly. No costs”.

Sd/-  
MEMBER / PRM

Sd/-  
MEMBER / PR

Sd/-  
CHAIRMAN

O.P.No.55 of 2017  
Smt. Yadala Samba Vs APTRANSCO & 4 others

Application seeking compensation for violation of Rule 3 (1) & (2) of the Andhra Pradesh Works of Licensee Rules, 2007  
Sri P. Changal Reddy, learned counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the A.P. Distribution Companies are present.

Orders pronounced (*vide separate common order*)

“**16.** Accordingly the matters are remitted back to the Collector, Krishna District for reconsideration of the subject matter of his proceedings in (i) H2/1410/2013 dated 20-06-2013, (ii) Rc.H2/72/2012 dated 21-05-2014, (iii) Rc.H2/278/2014 dated 10-06-2014 & (iv) Rc.No.H7/1767/2015 dated 05-08-2015 and redetermination of reasonable and full compensation to which each of the petitioners is entitled to by reason of the works of the licensees in question, on merits, in accordance with law in general and the Andhra Pradesh Works of Licensees Rules, 2007 in particular.

**17.** The Original Petitions are ordered accordingly. No costs”.

Sd/-  
MEMBER / PRM

Sd/-  
MEMBER / PR

Sd/-  
CHAIRMAN

O.P.No.56 of 2017  
Sri Kurakula Poothuraju Vs APTRANSCO & 4 others

Application seeking compensation for violation of Rule 3 (1) & (2) of the Andhra Pradesh Works of Licensee Rules, 2007

Sri P. Chagal Reddy, learned counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the A.P. Distribution Companies are present.

Orders pronounced (*vide separate common order*)

**16.** Accordingly the matters are remitted back to the Collector, Krishna District for reconsideration of the subject matter of his proceedings in (i) H2/1410/2013 dated 20-06-2013, (ii) Rc.H2/72/2012 dated 21-05-2014, (iii) Rc.H2/278/2014 dated 10-06-2014 & (iv) Rc.No.H7/1767/2015 dated 05-08-2015 and redetermination of reasonable and full compensation to which each of the petitioners is entitled to by reason of the works of the licensees in question, on merits, in accordance with law in general and the Andhra Pradesh Works of Licensees Rules, 2007 in particular.

**17.** The Original Petitions are ordered accordingly. No costs”.

Sd/-  
MEMBER / PRM

Sd/-  
MEMBER / PR

Sd/-  
CHAIRMAN

O.P.No.57 of 2017  
Sri Tirupathi Guravaiah Vs APTRANSCO & 4 others

Application seeking compensation for violation of Rule 3 (1) & (2) of the Andhra Pradesh Works of Licensee Rules, 2007

Sri P. Chagal Reddy, learned counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the A.P. Distribution Companies are present.

Orders pronounced (*vide separate common order*)

**16.** Accordingly the matters are remitted back to the Collector, Krishna District for reconsideration of the subject matter of his proceedings in (i)

H2/1410/2013 dated 20-06-2013, (ii) Rc.H2/72/2012 dated 21-05-2014, (iii) Rc.H2/278/2014 dated 10-06-2014 & (iv) Rc.No.H7/1767/2015 dated 05-08-2015 and redetermination of reasonable and full compensation to which each of the petitioners is entitled to by reason of the works of the licensees in question, on merits, in accordance with law in general and the Andhra Pradesh Works of Licensees Rules, 2007 in particular.

**17.** The Original Petitions are ordered accordingly. No costs”.

Sd/-  
MEMBER / PRM

Sd/-  
MEMBER / PR

Sd/-  
CHAIRMAN

O.P.No.58 of 2017

Smt. Dasari Ramanjamma Vs APTRANSCO & 4 others

Application seeking compensation for violation of Rule 3 (1) & (2) of the Andhra Pradesh Works of Licensee Rules, 2007

Sri P. Chagal Reddy, learned counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the A.P. Distribution Companies are present.

Orders pronounced (*vide separate common order*)

“**16.** Accordingly the matters are remitted back to the Collector, Krishna District for reconsideration of the subject matter of his proceedings in (i) H2/1410/2013 dated 20-06-2013, (ii) Rc.H2/72/2012 dated 21-05-2014, (iii) Rc.H2/278/2014 dated 10-06-2014 & (iv) Rc.No.H7/1767/2015 dated 05-08-2015 and redetermination of reasonable and full compensation to which each of the petitioners is entitled to by reason of the works of the licensees in question, on merits, in accordance with law in general and the Andhra Pradesh Works of Licensees Rules, 2007 in particular.

17. The Original Petitions are ordered accordingly. No costs”.

Sd/-  
MEMBER / PRM

Sd/-  
MEMBER / PR

Sd/-  
CHAIRMAN

O.P.No.62 of 2017

Sri Nakkaboyanna Venkateswar Rao Vs APTRANSCO & 4 others

Application seeking compensation for violation of Rule 3 (1) & (2) of the Andhra Pradesh Works of Licensee Rules, 2007

Sri P. Chungal Reddy, learned counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the A.P. Distribution Companies are present.

Orders pronounced (*vide separate common order*)

“16. Accordingly the matters are remitted back to the Collector, Krishna District for reconsideration of the subject matter of his proceedings in (i) H2/1410/2013 dated 20-06-2013, (ii) Rc.H2/72/2012 dated 21-05-2014, (iii) Rc.H2/278/2014 dated 10-06-2014 & (iv) Rc.No.H7/1767/2015 dated 05-08-2015 and redetermination of reasonable and full compensation to which each of the petitioners is entitled to by reason of the works of the licensees in question, on merits, in accordance with law in general and the Andhra Pradesh Works of Licensees Rules, 2007 in particular.

17. The Original Petitions are ordered accordingly. No costs”.

Sd/-  
MEMBER / PRM

Sd/-  
MEMBER / PR

Sd/-  
CHAIRMAN

O.P.No.63 of 2017

Smt. Madupu Sai Kumari Vs APTRANSCO & 4 others

Application seeking compensation for violation of Rule 3 (1) & (2) of the Andhra Pradesh Works of Licensee Rules, 2007

Sri P. Chungal Reddy, learned counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the A.P. Distribution Companies are present.

Orders pronounced (*vide separate common order*)

“16. Accordingly the matters are remitted back to the Collector, Krishna District for reconsideration of the subject matter of his proceedings in (i) H2/1410/2013 dated 20-06-2013, (ii) Rc.H2/72/2012 dated 21-05-2014, (iii) Rc.H2/278/2014 dated 10-06-2014 & (iv) Rc.No.H7/1767/2015 dated 05-08-2015 and redetermination of reasonable and full compensation to which each of the petitioners is entitled to by reason of the works of the licensees in question, on merits, in accordance with law in general and the Andhra Pradesh Works of Licensees Rules, 2007 in particular.

17. The Original Petitions are ordered accordingly. No costs”.

Sd/-  
MEMBER / PRM

Sd/-  
MEMBER / PR

Sd/-  
CHAIRMAN

O.P. No.11 of 2017  
Sri Rammurthy Naidu Vs APTRANSCO & 5 others

Petitioner requesting the Commission to determine full compensation for all the losses and damages incurred to the trees, land and the property

Sri P. Chungal Reddy, learned counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the A.P. Distribution Companies are present.

Orders not ready. Hence, the matter is posted for orders to 24-03-2018.

Call on:

24-03-2018  
at 11:00 AM

Sd/-  
MEMBER / PRM

Sd/-  
MEMBER / PR

Sd/-  
CHAIRMAN

O.P. No.51 of 2017  
Sri Ch. Chandra Mouli and Sri Ch. Venugopal Rao Vs CMD/APTRANSCO  
& 5 others

Petition filed under sub-rules (1) (2) of Rule 13 of the Andhra Pradesh Works of Licensee Rules, 2007 and Section 19 of the Electricity Act, 2003  
Sri P. Chagal Reddy, learned counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the A.P. Distribution Companies 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

O.P.No.30 of 2016  
M/s. SIFLON Drugs Vs APTRANSCO, APSPDCL & NREDCAP

Petition under Section 86 (1) (f) of the Electricity Act, 2003 read with Regulation 8 of APERC (Conduct of Business) Regulations 1999 and seeking directions for giving credit of the wind power units amounting to 1.2 million by banking the units for the period between 23-03-2015 to 14-06-2016

Sri S.V.S. Choudary, 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, the matter is posted for hearing to 24-03-2018.

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

Sd/-  
MEMBER / PRM

Sd/-  
MEMBER / PR

Sd/-  
CHAIRMAN

O.P.No.24 of 2016  
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 K.V. Ranga Das, learned counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the respondents are present.

Orders pronounced (*vide separate order*)

**10.** Therefore, the petitioner shall be accepted to be covered by the sub category Aquaculture and Animal Husbandry under HT I (C) during the FY 2016-17 and 2017-18 in compliance with the orders on tariff for retail sale of electricity for those years issued by the Andhra Pradesh Electricity Regulatory Commission and the demand for and collection of consumption charges from the petitioner under HT I (A) category in those two years is illegal and arbitrary. The amount collected in excess from the petitioner during those two financial years shall be given credit to in the future consumption bills of the petitioner during the twelve months of the FY 2018-19 from 01-04-2018 to 31-03-2019 in equal instalments and only the balance consumption charges due from the petitioner as per the tariff applicable to the petitioner in that year as per the tariff orders of this Commission shall be demanded and realized from the petitioner.

**11.** The Original Petition is ordered accordingly. No costs”.

Sd/-  
MEMBER / PRM

Sd/-  
MEMBER / PR

Sd/-  
CHAIRMAN