

Record of proceedings dated 24-02-2018

O.P.No.3 of 2018
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.

No views / objections / suggestions are received. No stakeholder is present and expressed his views in the matter. Arguments of Sri P. Shiva Rao, learned Standing Counsel for the petitioners are heard. For orders, the matter is posted to 03-03-2018.

Call on: 03-03-2018
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 is present.

No objectors are present. Sri P. Shiva Rao, learned Standing Counsel for A.P. Distribution Companies is ready. Hence, the matter is posted for hearing finally to 17-03-2018.

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

Sd/-
MEMBER/PRM

Sd/-
MEMBER/PR

Sd/-
CHAIRMAN

O.P. No. 27 of 2016

Shri Girija Alloy & Power (I) Ltd Vs APTRANSCO & APEPDCL

Petition under Section 86 (1) (f) r/w Section 46 of the Electricity Act, 2003 seeking directions to refund the excess of development charges paid i.e., Rs.3,12,60,226/- with subsequent interest at 18%

Sri C. Subodh, learned counsel representing Sri O. Manohar Reddy, learned counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the respondents are present.

Orders pronounced (*vide separate order*)

“17. Therefore, the petitioner is declared entitled to refund of Rs.2,77,99,180/- (Rupees two crores seventy seven lakhs ninety nine thousand one hundred and eighty only) from the respondents and such respondent into whose account the amount paid / deposited by the petitioner was credited shall refund the same to the petitioner. The petitioner is not entitled to any interest on the amount to be refunded and the parties shall bear their own costs in this petition. The Original Petition is ordered accordingly”.

Sd/-
MEMBER/PRM

Sd/-
MEMBER/PR

Sd/-
CHAIRMAN

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 Nitish Bandary, learned counsel for 1st respondent are present.

An Additional Affidavit has been filed on behalf of 1st respondent stating that this petition has to be clubbed together with O.P.Nos.79 of 2012, 60 of 2013 and 12 of 2014 for a joint hearing for the reasons stated in the Additional Affidavit. Sri P. Shiva Rao, learned Standing Counsel for the petitioners requested time to file reply to the Additional Affidavit. Hence, for filing a reply to the Additional Affidavit, the matter is posted to 28-04-2018.

Call on:

28-04-2018
at 11:00 AM

Sd/-
MEMBER/PRM

Sd/-
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. Sai Phanindra Kumar, 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.

For hearing, the matter is posted to 17-03-2018.

Call on:

17-03-2018
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. Sai Phanindra Kumar, 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.

For hearing, the matter is posted to 17-03-2018.

Call on:

17-03-2018
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. Sai Phanindra Kumar, 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.

For hearing, the matter is posted to 17-03-2018.

Call on:

17-03-2018
at 11:00 AM

Sd/-
MEMBER/PRM

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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. Sai Phanindra Kumar, 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.

For hearing, the matter is posted to 17-03-2018.

Call on:

17-03-2018
at 11:00 AM

Sd/-
MEMBER/PRM

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MEMBER/PR

Sd/-
CHAIRMAN

O.P. No. 33 of 2017
M/s. NSL Sugars Ltd Vs APPCC & 3 others

Petition under Section 86 (1) (f) of the Electricity Act, 2003 r/w APERC (Conduct of Business) Regulation 1999 for resolving dispute in settlement of annual reconciliation bills under purchase order

Sri N. Sai Phanindra Kumar, 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.

The Interlocutory Application to raise an additional ground has been re-presented.

Hence, the matter is posted to 24-03-2018.

Call on:

24-03-2018
at 11:00 AM

Sd/-
MEMBER/PRM

Sd/-
MEMBER/PR

Sd/-
CHAIRMAN

O.P.No.34 of 2017
M/s. NSL Sugars (Tungabhadra) Ltd Vs APPCC & 3 others

Petition under Section 86 (1) (f) of the Electricity Act, 2003 r/w APERC (Conduct of Business) Regulation 1999 for resolving dispute in settlement of annual reconciliation bills under purchase order

Sri N. Sai Phanindra Kumar, 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.

The Interlocutory Application to raise an additional ground has been re-presented. Hence, the matter is posted to 24-03-2018.

Call on:

24-03-2018
at 11:00 AM

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

Arguments are heard. For orders, the matter is posted to 17-03-2018.

Call on:

17-03-2018
at 11:00 AM

Sd/-
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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.

Arguments are heard. For orders, the matter is posted to 17-03-2018.

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

Sd/-
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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.

Arguments are heard. For orders, the matter is posted to 17-03-2018.

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

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

Arguments are heard. For orders, the matter is posted to 17-03-2018.

Call on:

17-03-2018
at 11:00 AM

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

Arguments are heard. For orders, the matter is posted to 17-03-2018.

Call on:

17-03-2018
at 11:00 AM

Sd/-
MEMBER/PRM

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MEMBER/PR

Sd/-
CHAIRMAN

O.P.No. 58 of 2017

Smt. Dasari Ramanamma 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.

Arguments are heard. For orders, the matter is posted to 17-03-2018.

Call on:

17-03-2018
at 11:00 AM

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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.

Arguments are heard. For orders, the matter is posted to 17-03-2018.

Call on:

17-03-2018
at 11:00 AM

Sd/-
MEMBER/PRM

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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.

Arguments are heard. For orders, the matter is posted to 17-03-2018.

Call on:

17-03-2018
at 11:00 AM

Sd/-
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MEMBER/PR

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

Arguments are heard. For orders, the matter is posted to 17-03-2018.

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

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

For hearing, the matter is posted to 17-03-2018.

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

Sd/-
MEMBER/PRM

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MEMBER/PR

Sd/-
CHAIRMAN

O.P. No. 20 of 2015
Empee Power Co (I) Ltd Vs APSPDCL

Petition u/s 62 r/w 86 (1) of the Electricity Act, 2003 for revision of tariff specified under Article 2.2 of the Power Purchase Agreement dated 23.05.2007

Sri K. Gopal Choudary, learned counsel representing Sri Challa Gunaranjan, learned counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the respondent are present.

Reply arguments of Sri P. Shiva Rao, learned Standing Counsel for the respondent and reply to the reply arguments of Sri K. Gopal Choudary, learned counsel for the petitioner are heard. Arguments are concluded. For orders, the matter is posted to 24-03-2018.

Call on:

24-03-2018
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 to 17-03-2018.

Call on:

17-03-2018
at 11:00 AM

Sd/-
MEMBER/PRM

Sd/-
MEMBER/PR

Sd/-
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 N. Sai Phanindra Kumar, learned counsel representing Sri Challa Gunaranjan, learned counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the respondents are present.

Orders pronounced (*vide separate order*)

“8. Therefore, the petitioner is entitled under Appendix-3 clause 3 proviso to (f) of Regulation 2 of 2016 / Regulation 2 of 2006 [Andhra Pradesh Electricity Regulatory Commission (Interim Balancing and Settlement Code) Regulation 2 of 2006] to Rs.18,00,658/- (Rupees eighteen lakhs six hundred and fifty eight only) from the 2nd respondent towards 5,23,447 units @ Rs.3.44 ps per unit generated during the relevant period and the Original Petition is allowed accordingly in favour of the petitioner against the 2nd respondent, without costs”.

Sd/-
MEMBER/PRM

Sd/-
MEMBER/PR

Sd/-
CHAIRMAN

O.P. No.36 of 2017
M/s. Orange Uravakonda Wind Power Pvt. Ltd Vs APSPDCL

Petition under Section 86 (1) (f) of the Electricity Act, 2003 r/w Article 10.4 of the Power Purchase Agreement dated 31-05-2016 entered between the parties in relation to non-acceptance of monthly invoices and non-payment for supply of electricity from 100.8 MW capacity wind power project of the petitioner at Belugappa in Anantapur District

Sri S. Niranjana Reddy, learned Senior Counsel representing Sri Avinash Desai and Sri D.S. Siva Darshan, learned counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the respondent are present.

Heard Sri S. Niranjana Reddy, learned Senior Counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the respondent. The respondent filed an affidavit stating that on 27-01-2018, an amount of Rs.48,56,60,303/- towards energy bill arrears were requested to be permitted to be paid in instalments and the Andhra Pradesh Power Co-ordination Committee paid an amount of Rs.8,09,43,384/- towards the first instalment on 25-01-2018. The affidavit also stated that on reconciliation by the Andhra Pradesh Power Co-ordination Committee, an amount of Rs.49,73,73,655/- was found to be payable to the petitioner, thus showing a deficit of Rs.1,17,13,352/- in the amount shown in the earlier affidavit dated 27-01-2018. Out of so finally arrived amount of Rs.49,73,73,655/-, the balance due after deducting the payment made on 25-01-2018 is Rs.41,64,30,274/-, which is requested to be permitted to be paid at Rs.8,32,86,054/- in five monthly instalments. The affidavit further stated that in so far as Generation Based Incentive is concerned for an amount of Rs.9,96,60,827/- for the period from 03-01-2017 to 02-11-2017, the matter is *subjudice* in O.P.No.1 of 2017 on the file of this Commission. The affidavit further stated that the differential rebate amount of Rs.2,34,571/- was already paid on

22-02-2018. In so far as the Generation Based Incentive amount claimed by the petitioner, the quantum of which is not in dispute, is concerned, the same will be subject to the result of O.P.No.1 of 2017 on the file of this Commission and hence no directions are being attempted to be given herein, leaving open the question to be subject of the consequential orders on the result of O.P.No.1 of 2017 by this Commission on merits in accordance with law. After reconciliation of the accounts and the Andhra Pradesh Power Coordination Committee arriving at the amount to be payable to the petitioner at Rs.49,73,73,655/-. Sri S. Niranjan Reddy, learned Senior Counsel admitted that his objection taken on 27-01-2018 that the amount shown in the affidavit dated 27-01-2018 did not correctly reflect the amount due is satisfactorily answered and as the petitioner now quantified five monthly instalments for payment of the balance due after deducting the amount paid on 25-01-2018, the petitioner has no objection for the amounts specified as the balance due in today's affidavit by the respondent. While there is no serious objection for considering the request for payment of the balance in five monthly instalments, Sri S. Niranjan Reddy, learned Senior Counsel brought to notice that the petitioner has heavy financial liabilities and obligations to be discharged to its financial institutions, which are particularly heavy in the month of April, 2018 and therefore, it will be of great help, if the respondent can pay the last instalment also along with the third instalment from now in April, 2018. Sri P. Shiva Rao, learned Standing Counsel for the respondent stated that he will place the same before the respondent for consideration and if the financial position of the respondent permits, every effort will be made to pay either the last instalment also along with the third instalment from now or at least to pay the maximum amount available out of the last instalment along with the third instalment from now.

In view of the pleadings and submissions of the learned counsel for both parties, it is hereby ordered that the Generation Based Incentive amount of Rs.9,96,60,827/- claimed by the petitioner for the period from 03-01-2017 to 02-11-2017 shall be subject to the result of O.P.No.1 of 2017 on the file of this Commission and any consequential orders passed thereon. In so far as the energy bill arrears still due to the petitioner after deducting the payment of Rs.8,09,43,384/- on 25-01-2018 are concerned, the amount is quantified at Rs.41,64,30,274/-, which is permitted to be paid in five equal monthly instalments of Rs.8,32,86,054/- each by tenth of every month commencing from February 2018 with the instalment due for the February, 2018 being payable before 10-03-2018. Every effort should be made by the respondent to pay the last instalment due also along with the instalment due by 10-04-2018, if the financial position of the respondent permits, in full or at least to the maximum extent such finances permit. The amounts due under energy bills for the current consumption have to be paid regularly, independent of these directions relating to the arrears payable. These orders are no adjudication on any other issues arising under the Power Purchase Agreement between the parties beyond the energy bill arrears, which are subject matter of this petition. This Original Petition is ordered accordingly, without costs.

Sd/-
MEMBER/PRM

Sd/-
MEMBER/PR

Sd/-
CHAIRMAN