

Record of proceedings dated 24-03-2018

O.P.No. 46 of 2017
APSPDCL & APEPDCL Vs APGENCO & A.P. Solar Power Corporation Ltd

Petition filed under Section 86 (1) (b) of the Electricity Act, 2003 for approval of long term Power Purchase Agreement (PPA) signed by APDISCOMs with APGENCO on 01-07-2017 and to pass orders regulating the price for purchase of 400 MW solar power generated from the Ananthapuram – II Ultra Mega Solar Park proposed at Talaricheruvu (V), near Tadipatri, Anantapuramu District, AP @ the tariff of Rs.3.57 / Kwh .

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

At request of Sri P. Shiva Rao, learned Standing Counsel for the utilities, 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. 5 of 2017
FOR ORDERS
APSPDCL & APEPDCL Vs ---

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

Sri P. Shiva Rao, learned Standing Counsel for the petitioners, Sri V. Sailendra representing Indian Wind Power Association (AP State Council) and Smt. Rajeswari, AGM – Legal representing M/s. Axis Energy Ventures India Pvt. Ltd., are present.

Orders are not ready. For orders, the matter is posted to 07-04-2018.

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

Sd/-
MEMBER / PRM

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MEMBER / PR

Sd/-
CHAIRMAN

O.P. No. 57 of 2014 & I.A. No. 8 of 2015
Sardar Power Pvt Ltd Vs APEPDCL

Petition filed for determination of capital cost and consequent re-determination of tariff for the first 10 years of operation with effect from 17.07.2008 (being COD of the project) pursuant to the Judgment of Hon'ble ATE dt. 20.12.2012 in Appeal No. 172 of 2011 and batch

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

The respondent did not place before the Commission its views on the information / documents submitted by the petitioner and is directed to submit the same by the next date of hearing. Hence, the matter is posted to 21-04-2018.

Call on:

21-04-2018
at 11:00 AM

Sd/-
MEMBER / PRM

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MEMBER / PR

Sd/-
CHAIRMAN

O.P. No. 7 of 2017
M/s. SEI Green Flash Pvt. Ltd. Vs APSPDCL & APPCC

Petition filed under Section 86 (1) (e) & (f) of the Electricity Act, 2003 r/w Regulations 55, 57 & 59 of APERC (Conduct of Business) Regulations, 1999 requesting the Commission to set aside the Letter No.CGM / P, MM & IPC / F.SEI Green / D.No.558 /16 dt.20-09-2016 and for other reliefs

Sri Srinivas Mantha, learned counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the respondents are present.

Sri Srinivas Mantha, learned counsel for the petitioner brought to notice G.O.Rt.No.26 Energy, Infrastructure and Investment (Power.II) Department, dated 21-02-2018 whereunder the State Government constituted a committee to examine the issue relating to the solar power developers including the petitioner and

requested that the report of the committee may be awaited which will be submitted to this Commission by APPCC for taking further action. Sri P. Shiva Rao, learned Standing Counsel for the respondents has no objection. Hence, 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.8 of 2017
M/s. SEI Arushi Pvt. Ltd Vs APSPDCL & APPCC

Petition filed under Section 86 (1) (e) & (f) of the Electricity Act, 2003 r/w Regulations 55, 57 & 59 of APERC (Conduct of Business) Regulations, 1999 requesting the Commission to set aside the Letter No.CGM / P, MM & IPC / F.SEI Arushi / D.No.559 /16 dt.20-09-2016 and for other reliefs

Sri Srinivas Mantha, learned counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the respondents are present.

Sri Srinivas Mantha, learned counsel for the petitioner brought to notice G.O.Rt.No.26 Energy, Infrastructure and Investment (Power.II) Department, dated 21-02-2018 whereunder the State Government constituted a committee to examine the issue relating to the solar power developers including the petitioner and requested that the report of the committee may be awaited which will be submitted to this Commission by APPCC for taking further action. Sri P. Shiva Rao, learned Standing Counsel for the respondents has no objection. Hence, 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.9 of 2017
M/s. Rain Coke Ltd Vs APSPDCL & APPCC

Petition filed under Section 86 (1) (e) & (f) of the Electricity Act, 2003 r/w Regulations 55, 57 & 59 of APERC (Conduct of Business) Regulations, 1999 requesting the Commission to set aside the Letter No.CGM / P, MM & IPC / F. Rain Coke / D.No.557 /16 dt.20-09-2016 and for other reliefs

Sri Srinivas Mantha, learned counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the respondents are present.

Sri Srinivas Mantha, learned counsel for the petitioner brought to notice G.O.Rt.No.26 Energy, Infrastructure and Investment (Power.II) Department, dated 21-02-2018 whereunder the State Government constituted a committee to examine the issue relating to the solar power developers including the petitioner and requested that the report of the committee may be awaited which will be submitted to this Commission by APPCC for taking further action. Sri P. Shiva Rao, learned Standing Counsel for the respondents has no objection. Hence, the matter is posted to 28-04-2018.

Call on: 28-04-2018
at 11:00 AM

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MEMBER / PRM

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CHAIRMAN

O.P. No. 16 of 2017
M/s. WAANEER Solar Pvt Ltd Vs APSPDCL & APPCC

Petition filed under Section 86 (1) (e) & (f) of the Electricity Act, 2003 r/w Regulations 55, 57 & 59 of APERC (Conduct of Business) Regulations, 1999 requesting the Commission to set aside the Letter No.CGM / P, MM & IPC / F.WAANEER / D.No.556 /16 dt.20-09-2016 and for other reliefs

Sri Srinivas Mantha, learned counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the respondents are present.

Sri Srinivas Mantha, learned counsel for the petitioner brought to notice G.O.Rt.No.26 Energy, Infrastructure and Investment (Power.II) Department, dated 21-02-2018 whereunder the State Government constituted a committee to examine the issue relating to the solar power developers including the petitioner and requested that the report of the committee may be awaited which will be submitted to this Commission by APPCC for taking further action. Sri P. Shiva Rao, learned Standing Counsel for the respondents has no objection. Hence, the matter is posted to 28-04-2018.

Call on:

28-04-2018
at 11:00 AM

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CHAIRMAN

I.A.No.21 of 2017 in O.P.No.3 of 2011
M/s. Metkore Alloys & Industries Ltd Vs APEPDCL

Petition under Section 62 r/w 86 of the Electricity Act, 2003 for revisiting of the conditions stipulated in the Retail Supply Tariff Order for the FY 2011-12 for the Category of HT-1 (b) consumers

Sri N. Phani, 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 Sri N. Phani, learned counsel for the petitioner, the matter is posted to 07-04-2018.

Call on:

07-04-2018
at 11:00 AM

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CHAIRMAN

O.P. No. 17 of 2015
M/s. IL & FS Wind Farms Ltd Vs APSPDCL & 3 others

Petition under Sections 142, 143 / 146 & 129 of the Electricity Act, 2003 for punishment for non-compliance of directions of the Commission and for implementation of its orders

Sri K. Jashwanth Rao, learned counsel representing Sri Avinash Desai, learned counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the respondents are present.

At request of the learned Standing Counsel for the respondents, the matter is posted to 21-04-2018.

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

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CHAIRMAN

O.P. No. 33 of 2017 & I.A. No. 6 of 2018
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

Application under Section 86 (1) (f) of the Electricity Act, 2003 r/w Regulation 55 of the APERC (Conduct of Business) Regulation 1999 seeking leave to raise additional ground

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

Sri P. Shiva Rao, learned Standing Counsel for the respondents sought for time for filing counter in I.A.No.6 of 2018. Hence, the matter is posted to 21-04-2018.

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

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CHAIRMAN

O.P.No.34 of 2017 & I.A.No.7 of 2018
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

Application under Section 86 (1) (f) of the Electricity Act, 2003 r/w Regulation 55 of the APERC (Conduct of Business) Regulation 1999 seeking leave to raise additional ground

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

Sri P. Shiva Rao, learned Standing Counsel for the respondents sought for time for filing counter in I.A.No.7 of 2018. Hence, the matter is posted to 21-04-2018.

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

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CHAIRMAN

O.P. No.20 of 2015
FOR ORDERS
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 N. Phani, learned counsel representing Sri Challa Gunaranjan, learned counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the respondent are present.

Orders are not ready. For orders, the matter is posted to 07-04-2018.

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

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CHAIRMAN

I.A.No.5 of 2018 in O.P.No.2 of 2013
M/s. Bharat Alloys & Energy Limited Vs APSPDCL

Petition under Section 62 r/w 86 of the Electricity Act, 2003 for revisiting of the conditions stipulated in the Retail Supply Tariff Order for the FY 2013-14 for the Category of HT-1 (b) consumers

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

For counter, at the request of Sri P. Shiva Rao, learned Standing Counsel for the respondent, the matter is posted to 21-04-2018.

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

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CHAIRMAN

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

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

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

The petitioner has no rejoinder. For hearing, the matter is posted to 07-04-2018.

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

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CHAIRMAN

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

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

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

The petitioner has no rejoinder. For hearing, the matter is posted to 07-04-2018.

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

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CHAIRMAN

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

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

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

The petitioner has no rejoinder. For hearing, the matter is posted to 07-04-2018.

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

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CHAIRMAN

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

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

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

The petitioner has no rejoinder. For hearing, the matter is posted to 07-04-2018.

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

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CHAIRMAN

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

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

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

The petitioner filed a reply to the additional counter and also a memo in which it is complained that reconciliation was not done in spite of their letter and therefore, the petitioner would be entitled to 100% of the late payment surcharge amount. Sri P. Shiva Rao, learned Standing Counsel for the respondents stated that had the

petitioner approached the office of the 1st respondent, things could have been sorted out. The petitioner is therefore directed to depute a responsible officer of the petitioner to the office of the 1st respondent and sort out the difference in calculation of the amounts across the table at least a week before the next date of hearing. If no consensus can be reached between the parties on the issue, they should come back with detailed statements on the calculation of the amounts involved by the next date of hearing. The office of the 1st respondent shall cooperate in the matter with the officer of the petitioner when he visits them by fixing a mutually agreed date and time for settling the issue. Hence, the matter is posted to 07-04-2018.

Call on:

07-04-2018
at 11:00 AM

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CHAIRMAN

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

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

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

The petitioner filed a reply to the additional counter and also a memo in which it is complained that reconciliation was not done in spite of their letter and therefore, the petitioner would be entitled to 100% of the late payment surcharge amount. Sri P. Shiva Rao, learned Standing Counsel for the respondents stated that had the

petitioner approached the office of the 1st respondent, things could have been sorted out. The petitioner is therefore directed to depute a responsible officer of the petitioner to the office of the 1st respondent and sort out the difference in calculation of the amounts across the table at least a week before the next date of hearing. If no consensus can be reached between the parties on the issue, they should come back with detailed statements on the calculation of the amounts involved by the next date of hearing. The office of the 1st respondent shall cooperate in the matter with the officer of the petitioner when he visits them by fixing a mutually agreed date and time for settling the issue. Hence, the matter is posted to 07-04-2018.

Call on:

07-04-2018
at 11:00 AM

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MEMBER / PR

Sd/-
CHAIRMAN

O.P.No.27 of 2017

M/s. Mytrah Vayu (Indravati) Pvt. Ltd Vs APSPDCL & 2 others

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

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

The petitioner filed a reply to the additional counter and also a memo in which it is complained that reconciliation was not done in spite of their letter and therefore, the petitioner would be entitled to 100% of the late payment surcharge amount. Sri P. Shiva Rao, learned Standing Counsel for the respondents stated that had the

petitioner approached the office of the 1st respondent, things could have been sorted out. The petitioner is therefore directed to depute a responsible officer of the petitioner to the office of the 1st respondent and sort out the difference in calculation of the amounts across the table at least a week before the next date of hearing. If no consensus can be reached between the parties on the issue, they should come back with detailed statements on the calculation of the amounts involved by the next date of hearing. The office of the 1st respondent shall cooperate in the matter with the officer of the petitioner when he visits them by fixing a mutually agreed date and time for settling the issue. Hence, the matter is posted to 07-04-2018.

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

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CHAIRMAN

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

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

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

The petitioner has no rejoinder. For hearing, the matter is posted to 07-04-2018.

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

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MEMBER / PRM

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MEMBER / PR

Sd/-
CHAIRMAN

O.P.No.1 of 2018

M/s. Tata Power Renewable Energy Ltd Vs APSPDCL & 2 others

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

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

Sri P. Shiva Rao, learned Standing Counsel for the respondents reported that directions dated 03-03-2018 were complied with. Sri M. Sridhar, learned counsel requested time for confirmation and instructions from his client. Hence, the matter is posted to 07-04-2018.

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

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MEMBER / PRM

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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 utilities are present.

Arguments of the learned counsel for both parties are heard. For orders, the matter is posted to 31-03-2018.

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

Sd/-
MEMBER / PRM

Sd/-
MEMBER / PR

Sd/-
CHAIRMAN

O.P.No.11 of 2017
FOR ORDERS
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 utilities are present.

Orders pronounced (*vide separate order*)

11. Therefore, the matter is accordingly remitted back to the Collector, Sri Potti Sriramulu Nellore District for reconsideration of the subject matter of the proceedings in Rc.D3.2959/2011 dated 24-08-2013 in so far as the petitioner is concerned and for determination of full and reasonable compensation to which the petitioner is entitled by reason of works of the licensee in his land, in accordance with the Andhra Pradesh Works of Licensees Rules, 2007.

12. The Original Petition is allowed accordingly. No costs”.

Sd/-
MEMBER / PRM

Sd/-
MEMBER / PR

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CHAIRMAN