

3/9/2020

Email: Inbox (3)

Kind Attn: Secretary, APERC

Dear Sir,

We, Vena Energy Power Resources Pvt. Ltd is hereby request your kind self to adjourn the public hearing that was scheduled on 10 March, 2020 in terms of the request made by us in the letter attached herewith.

Thanks and Regards,

Ravikumar

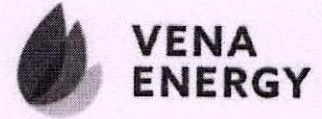
Authorized signatory  
For Vena Energy Power Resources Pvt. Ltd.



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9/3/2020





**WITHOUT PREJUDICE**

**To,**

**The Hon'ble Andhra Pradesh Electricity Regulatory Commission,  
11-4-660, 4<sup>th</sup> Floor, Singreni Bhavan, Red Hills,  
Hyderabad- 500 004**

**Kind Attn.:** The Secretary, APERC

**Date:** 9 March 2020

**Subject:** Public notice dated 13.02.2020 regarding public hearing to be held on 10.03.2020 in respect of proposed amendment of Regulation 4 of 2017 i.e., APERC (Forecasting, Scheduling and Deviation Settlement of Solar and Wind Generation) Regulations, 2017 ("**Regulations**").

Dear Sir,

We, Vena Energy Power Resources Pvt. Ltd. ("**VEPRPL**"), are a leading independent renewable power producer in the Asia-Pacific region with a portfolio of over 11 GW. VEPRPL has developed, constructed and operated wind and solar projects of varying sizes since its inception in 2012. Further, VEPRPL has a total operational capacity of 148 MW in Andhra Pradesh which is affected by the Regulations.

With reference to the above subject, we would like to bring to your kind attention that several wind and solar companies across the country have challenged the legal and constitutional validity of Forecasting, Scheduling and DSM Mechanism Regulations passed by respective State Electricity Regulatory Commissions in various High Courts.

Similarly, aggrieved by the Regulations, some wind and solar companies have filed certain Writ Petitions before the Hon'ble High Court of Andhra Pradesh ("**High Court**"), bearing numbers W.P. No. 5706 of 2019, W.P. No. 15513 of 2019 and W.P. No. 13860 of 2019, and the Hon'ble Supreme Court of India, challenging the legal and constitutional validity of the Regulations.

In this regard, it is significant to state the Hon'ble Supreme Court in C.A. No.4404 of 2019, has vide its order dated 26.04.2019, remanded the issue of adjudication on the Regulations to the Hon'ble High Court, for disposal on merits and the same is sub-judice before the Hon'ble High Court. Further, the Hon'ble High Court has in the aforesaid writ petitions passed the following orders:

**VENA ENERGY POWER RESOURCES PVT LTD**  
(FORMERLY KNOWN AS ENERCON POWER RESOURCES PVT LTD)  
2/1 1<sup>ST</sup> FLOOR, EMBASSY ICON ANNEXE, INFANTRY ROAD  
BANGALORE 560001, KARNATAKA INDIA  
P +91 080 664 54000 WWW.VENAENERGY.COM

COMPANY REGISTRATION NUMBER  
U40104KA2013PTC068319





- (i) Interim orders dated 30.12.2019, 17.10.2019, 25.06.2019, 17.06.2019, 03.06.2019, 03.06.2019 and 25.04.2019 passed by the Hon'ble High Court in WP No. 5706 of 2019;
- (ii) Interim orders dated 30.12.2019, 17.10.2019, passed by the Hon'ble High Court in WP 15513 of 2019; and
- (iii) Interim orders dated 30.12.2019, 17.10.2019 and 19.09.2019, passed by the Hon'ble High Court in WP 13860 of 2019.

From review of the aforesaid orders, it is apparent that the Hon'ble High Court has:

- (i) passed interim orders to not to take any coercive steps on bank guarantees;
- (ii) admitted the aforesaid writ petitions and posted for final hearing; and
- (iii) directed to continue the interim orders until then.

It is to be noted that the aforesaid writ petitions are pending adjudication before the Hon'ble High Court, which is presently seized of the matter. It is also pertinent to highlight that in W.P. No. 13860 of 2019 and W.P. No. 15513 of 2019, interim applications have been filed by the relevant generators *inter alia* seeking the following reliefs:

- (i) stay of operation of the Public Notice dated 13.02.2020 issued by this Hon'ble Commission, to consider proposed amendments to the Regulations (i.e., I.A. No. 1 of 2020 in W.P. No. 13860 of 2019 and I.A. No. 3 of 2020 in W.P. No. 15513 of 2019); and
- (ii) stay of operation of the Letter bearing no. CGM/HRD&PIg/SE/PIg/RAC&Reforms/APERC/D.No.121/2019 dated 10.12.2019 issued by the Transmission Corporation of Andhra Pradesh Ltd. ("**APTRANSCO**") (i.e., I.A. No. 3 of 2020 in W.P. No. 13860 of 2019 and I.A. No. 2 of 2020 in W.P. No. 15513 of 2019).

In this regard, please note that the aforesaid writ petitions along with the aforesaid applications seeking primarily the stay of the public hearing listed on 10.03.2020 before this Hon'ble Commission, were listed before the Division Bench of the Hon'ble High Court on 06.03.2020. Further, on the said date of hearing, the parties to the writ petitions advanced their arguments with respect to the reliefs sought vide the aforesaid applications. Thereafter, the Hon'ble High Court was pleased to reserve its order on the said applications.

However, considering that Monday, i.e., 09.03.2020, is a non-working day in the Hon'ble High Court on account of the festival of Holi, the Hon'ble High Court's order deciding the aforesaid applications is likely to be issued not before 10.03.2020 i.e., the day on which public hearing is scheduled before this Hon'ble Commission.







In light of the aforesaid facts and circumstances, and specifically keeping in view the tenets of judicial propriety, we humbly request that the public hearing scheduled on 10.03.2020 be adjourned and the public notice dated 13.02.2020 issued by this Hon'ble Commission be kept in abeyance, until the Hon'ble High Court issues its order deciding I.A. No. 1 of 2020 and I.A. No. 3 of 2020 in W.P. No. 13860 of 2019 and I.A. No. 2 of 2020 and I.A. No. 3 of 2020 in W.P. No. 15513 of 2019.

We look forward to the Hon'ble Commission considering the present request in the right earnest and convey its decision timely preferably by today evening.

Thanking you,

Yours sincerely,

*For Vena Energy Power Resources Pvt. Ltd.*

*Authorised Signatory*



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