

Record of proceedings dated 28-07-2018

Public hearing in the matter of allocating inflated demand by the Andhra Pradesh Gas Power Corporation Ltd (APGPCL) to its shareholders.

Sri P. Shiva Rao, learned Standing Counsel for the utilities, Ms. Rashmi G Kamath, learned counsel representing INDUS LAW FIRIM representing APGPCL and Sri M. Venugopala Rao, learned objector are present.

At request due to personal inconvenience of the learned Senior Counsel representing Andhra Pradesh Gas Power Corporation Ltd (APGPCL), the matter is posted to 10-08-2018 at 2:00 PM.

Call on: 10-08-2018
at 2:00 PM

Sd/-
MEMBER / PR

Sd/-
CHAIRMAN

Public hearing in the matter of 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 for M/s. Simhapuri Energy Limited, Sri P. Shiva Rao, learned Standing Counsel for APSPDCL, Sri M. Venugopala Rao and Sri R. Shiv Kumar representing A.P. Spinning Mills Association, learned objectors are present.

Heard Sri P. Shiva Rao, learned Standing Counsel for the Southern Power Distribution Company of Andhra Pradesh Limited (APSPDCL), who submitted on instructions that the petition may be allowed. At request of the learned objectors, Sri M. Venugopala Rao and Sri R. Shiv Kumar, for hearing, the matter is posted to 02-08-2018 at 12:00 noon, as Sri K. Gopal Choudary, learned counsel for the

generator impressed on the Commission about the perilous situation in which the generator is placed because of the coercive processes initiated by PGCIL and other creditors of the generator.

Call on:

02-08-2018
at 12:00 noon

Sd/-
MEMBER / PR

Sd/-
CHAIRMAN

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 and Sri M. Venugopala Rao, learned objector are present.

Heard Sri M. Venugopala Rao, learned objector and Sri P. Shiva Rao, learned Standing Counsel for the petitioners sought for time for reply. Hence, the matter is posted to 04-08-2018.

Call on:

04-08-2018
at 11:00 AM

Sd/-
MEMBER / PR

Sd/-
CHAIRMAN

I.A.No.16 of 2018 in O.P.No.8 of 2018
FOR ORDERS

APSPDCL & APEPDCL Vs M/s. Lanco Kondapalli Power Ltd

Petition filed u/s 86 (1) (b) of the Electricity Act, 2003 seeking renewal of PPA with M/s. Lanco Kondapalli Power Ltd.

I.A. No. 16 of 2018 filed u/s 62 (1), 86 (1) (b) of the Electricity Act, 2003 r/w Clause 55 of APERC (Conduct of Business) Regulations seeking permission to procure power from M/s. Lanco Kondapalli Power Ltd and approval of interim tariff for the first quarter of FY 19

Sri P. Shiva Rao, learned Standing Counsel for the petitioners, Sri N. Phani & Sri M. Sridhar, learned counsel representing Sri Challa Gunaranjan, learned counsel for M/s. Lanco Kondapalli Power Limited and Sri M. Venugopala Rao, learned objector are present.

Orders are not ready. For orders, the matter is posted to 01-08-2018 at 4:00 PM.

Call on: 01-08-2018
at 4:00 PM

Sd/-
MEMBER / PR

Sd/-
CHAIRMAN

I.A.No.15 of 2018 in O.P.Nos.60 & 61 of 2017
FOR ORDERS

APSPDCL & APEPDCL Vs M/s. Spectrum Power Generation Ltd

Petition filed u/s 62 (1), 86 (1) (b) of the Electricity Act, 2003 r/w Clause 55 of APERC (Conduct of Business) Regulations seeking permission to procure power from Spectrum Power Generation Ltd and approval of interim tariff for the first quarter of FY 19

Sri P. Shiva Rao, learned Standing Counsel for the petitioners, Sri T. Uma Sankar, learned counsel for M/s. Spectrum Power Generation Limited and Sri M. Venugopala Rao, learned objector are present.

Orders are not ready. For orders, the matter is posted to 01-08-2018 at 4:00 PM.

Call on: 01-08-2018
at 4:00 PM

Sd/-
MEMBER / PR

Sd/-
CHAIRMAN

O.P. No.1 of 2017
FOR ORDERS

APSPDCL & APEPDCL Vs M/s Sri Vijayeebhava Enterprises Private Ltd., & others

Petition filed by APDISCOMs 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 V. Sailendra representing (i) M/s. Sri Vijayeebhava Enterprises Private Limited (ii) M/s. Karam Chand Thapar & Bros Limited (iii) M/s. Woodside Fashions Limited (iv) M/s. Levelstate Systems Private Limited (v) M/s. Hi-Tech Systems & Services Limited (vi) M/s. Kaushaliya Devi Dhoot (vii) M/s. Satyanarayana Dhoot (viii) M/s. Chimique (India) Limited (ix) M/s. Rajasthan Gum Private Limited (x) M/s. Jai Bharat Gum & Chemicals Limited (xi) M/s. Dinesh Enterprises (xii) M/s. KCT (20.4 MW) Renewable Energy Private Limited (xiii) M/s. ZR Renewable Energy Private Limited & (xiv) Indian Wind Power Association (IWPA) – AP State Council, Sri N. Phani & Sri M. Sridhar, learned counsel representing Sri Challa Gunaranjan, learned counsel for (i) M/s. Mythrah Vaayu (Indravathi) Private Limited (ii) M/s. Orange Anantapur Wind Power Private Limited (iii) M/s. Jed Solar Parks Private Limited (iv) M/s. Poly Solar Parks Private Limited (v) M/s. Ostro Anantapur Private Limited (vi) M/s. Sterling Agro Industries Limited (vii) M/s. RENEW Wind Energy Private Limited (viii) M/s. Mytrah Vayu (Tungabhadra) Private Limited & (ix) M/s. Vayu Urja Bharat Private Limited and Sri M. Venugopala Rao, learned objector are present.

Orders pronounced (*vide separate order*)

“60. Therefore, the Generation Based Incentive claimed and availed by the wind power generators under the scheme of the Government of India is hereby directed to be given credit to in the tariff determined for the wind power

projects under Regulation 1 of 2015 by the orders of the Commission dated 01-08-2015 in O.P.No.3 of 2015 and 26-03-2016 in O.P.No.13 of 2016 and the petitioners are permitted to deduct the amounts so claimed and availed towards such Generation Based Incentive by any wind power generator and only pay the balance of tariff payable to such wind power generator for the electricity supplied by such generator to the petitioners respectively out of the monthly bills payable since the filing of the petition on 14-02-2017 until such availed Generation Based Incentive is totally given credit to in the tariff payable by the petitioners to such generators respectively. The Original Petition is ordered accordingly. No costs”.

Sd/-
MEMBER / PR

Sd/-
CHAIRMAN

O.P. No. 11 of 2018
M/s. ITC Limited Vs APSPDCL & 3 others

Petition under Sections 86(1) (f) and 62 (6) of the Electricity Act, 2003 for recovery of various amounts towards delayed payment surcharge, interest, reimbursements and / or refunds from the APDISCOMs with respect to supply of wind power against order in Lr. No. CE / Comml / APPCC / SE / Comml / F-ITC / D.No. 377 / 14 dated 04-12-2014.

Sri K. Gopal Choudary, learned counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the utilities are present.

Time extended for counter till 10-08-2018 at 2:00 PM.

Call on:

10-08-2018
at 2:00 PM

Sd/-
MEMBER / PR

Sd/-
CHAIRMAN

O.P.No.12 of 2018
M/s. ITC Limited Vs APSPDCL & 2 others

Petition under Section 86(1) (f) of the Electricity Act, 2003 for recovery of various amounts towards delayed payment surcharge from the APDISCOMs with respect to supply of wind power against order in Lr. No. CE / Comml / APPCC / SE / Comml / F-ITC / D.No. 399 / 16 dated 30-05-2016.

Sri K. Gopal Choudary, learned counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the utilities are present.

Time extended for counter till 10-08-2018 at 2:00 PM.

Call on: 10-08-2018
at 2:00 PM

Sd/-
MEMBER / PR

Sd/-
CHAIRMAN

O.P.No.13 of 2018

Sri Dakaraupu Venkat Rao & Sri D.G. Srinivasa Rao Vs APTRANSCO & 3 others
Petition filed under Rule 13 (1) and 13 (2) of the Andhra Pradesh Works of Licensee Rules, 2007

Sri P. Chengal Reddy, learned counsel for the petitioners and Sri P. Shiva Rao, learned Standing Counsel for the utilities are present.

The 4th respondent is served with notice, but none appeared on behalf of the 4th respondent. Sri P. Shiva Rao, learned Standing Counsel entered appearance for respondents 1 to 3 and filed the counter affidavit of the 3rd Respondent on behalf of respondents 1 to 3. Sri P. Chengal Reddy, learned counsel for the petitioners has no rejoinder. For hearing, the matter is posted to 01-08-2018 at 4:00 PM.

Call on: 01-08-2018
at 4:00 PM

Sd/-
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 K. Gopal Choudary, learned counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the respondent are present.

At request of Sri P. Shiva Rao, learned Standing Counsel for the respondent for furnishing the response on the additional information, the matter is posted finally to 04-08-2018.

Call on: 04-08-2018
at 11:00 AM

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

Additional affidavit filed on behalf of the petitioner. For response of the respondents, if any and for hearing, the matter is posted to 18-08-2018.

Call on: 18-08-2018
at 11:00 AM

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

Additional affidavit filed on behalf of the petitioner. For response of the respondents, if any and for hearing, the matter is posted to 18-08-2018.

Call on:

18-08-2018
at 11:00 AM

Sd/-
MEMBER / PR

Sd/-
CHAIRMAN

O.P.No.37 of 2017 & I.A.No.13 of 2017
FOR ORDERS

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 and to refund the same with interest

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

Orders pronounced (*vide separate common order*)

“Therefore, though the deduction made during the pendency of O.P.Nos.1 and 5 of 2017 from the bills of the respective petitioners is irregular and

unlawful, no relief is being granted herein in view of the ultimate conclusion in O.P.No.1 of 2017 and the directions given therein. Though the petitioners are not at fault in having been driven to this petition, still in exercise of the judicial discretion of the Commission, the parties are to be directed to bear their own costs in these petitions. Accordingly, these petitions are disposed of without granting any relief to the petitioners regarding the Generation Based Incentive amount already deducted by the distribution licensees of the State of Andhra Pradesh, except recording the displeasure of the Commission about the manner in which such deduction has been made irregularly. No costs.”

Sd/-
MEMBER / PR

Sd/-
CHAIRMAN

O.P.No.38 of 2017 & I.A.No.14 of 2017
FOR ORDERS

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 and to refund the same with interest

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

Orders pronounced (*vide separate common order*)

“Therefore, though the deduction made during the pendency of O.P.Nos.1 and 5 of 2017 from the bills of the respective petitioners is irregular and unlawful, no relief is being granted herein in view of the ultimate conclusion in O.P.No.1 of 2017 and the directions given therein. Though the petitioners are

not at fault in having been driven to this petition, still in exercise of the judicial discretion of the Commission, the parties are to be directed to bear their own costs in these petitions. Accordingly, these petitions are disposed of without granting any relief to the petitioners regarding the Generation Based Incentive amount already deducted by the distribution licensees of the State of Andhra Pradesh, except recording the displeasure of the Commission about the manner in which such deduction has been made irregularly. No costs.”

Sd/-
MEMBER / PR

Sd/-
CHAIRMAN

O.P.No.39 of 2017 & I.A.No.15 of 2017
FOR ORDERS

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 and to refund the same with interest

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

Orders pronounced (*vide separate common order*)

“Therefore, though the deduction made during the pendency of O.P.Nos.1 and 5 of 2017 from the bills of the respective petitioners is irregular and unlawful, no relief is being granted herein in view of the ultimate conclusion in O.P.No.1 of 2017 and the directions given therein. Though the petitioners are not at fault in having been driven to this petition, still in exercise of the judicial

discretion of the Commission, the parties are to be directed to bear their own costs in these petitions. Accordingly, these petitions are disposed of without granting any relief to the petitioners regarding the Generation Based Incentive amount already deducted by the distribution licensees of the State of Andhra Pradesh, except recording the displeasure of the Commission about the manner in which such deduction has been made irregularly. No costs.”

Sd/-
MEMBER / PR

Sd/-
CHAIRMAN

O.P.No.66 of 2017
FOR ORDERS

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 on account of energy supplied under the PPA and to refund the same with interest

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

Orders pronounced (*vide separate common order*)

“Therefore, though the deduction made during the pendency of O.P.Nos.1 and 5 of 2017 from the bills of the respective petitioners is irregular and unlawful, no relief is being granted herein in view of the ultimate conclusion in O.P.No.1 of 2017 and the directions given therein. Though the petitioners are not at fault in having been driven to this petition, still in exercise of the judicial discretion of the Commission, the parties are to be directed to bear their own

costs in these petitions. Accordingly, these petitions are disposed of without granting any relief to the petitioners regarding the Generation Based Incentive amount already deducted by the distribution licensees of the State of Andhra Pradesh, except recording the displeasure of the Commission about the manner in which such deduction has been made irregularly. No costs.”

Sd/-
MEMBER / PR

Sd/-
CHAIRMAN