

**Record of proceedings dated 10-08-2018**

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, Sri C.V. Mohan Reddy, learned Senior Counsel & Sri Y.R.N. Prashanth, Indus Law Firm representing APGPCL, Sri.N. Phani representing Sri Challa Gunaranjan, learned counsel for (i) Amara Raja Batteries Ltd., (ii) Sri Satyanarayana Spinning Mills Limited (iii) Sree Akkamamba Textiles Limited & (iv) India Cements Limited, Sri K. Gopal Choudary, learned counsel for (i) International Paper APPM Limited (ii) The Andhra Sugars Limited (iii) The Andhra Petrochemicals Limited (iv) Hindustan Zinc Limited (Vedanta) (iv) Precot Meridian Limited (v) LG Polymers India Private Limited & (vi) Sri Dhanalakshmi Cotton & Rice Mills Private Limited and Sri M. Venugopala Rao, learned objector are present.

Heard Sri C.V. Mohan Reddy, learned Senior Counsel for APGPCL, Sri K. Gopal Choudary, learned counsel for some share holders of APGPCL, Sri P. Shiva Rao, learned Standing Counsel for AP Transco & AP Discoms and Sri M. Venugopala Rao, learned objector. The learned Senior Counsel for APGPCL brought to notice that the notice in question issued by the erstwhile Andhra Pradesh Electricity Regulatory Commission relates to the undivided AP Transco and the four distribution companies of the erstwhile State of Andhra Pradesh and any adjudication of issues arising out of the said notice necessarily involves the rights and interests of TS Transco and TS Discoms as of now, apart from the AP Transco and AP Discoms. Learned Senior Counsel also brought to notice that the shareholders of APGPCL also belong to both the States of Andhra Pradesh and Telangana and hence, under the circumstances, the question of jurisdiction of the Commission to adjudicate the

issues is invariably involved in the matter, which is now under consideration of the Hon'ble High Court in a batch of matters. This statement of fact is not disputed by the other learned counsel. Sri M. Venugopala Rao, learned objector pointed out the possibility of the matter getting indefinitely delayed to the detriment of the stakeholders of the power sector due to which the question of jurisdiction need not stall the further progress in this inquiry. On the A.P. Reorganization Act, 2014 coming into force and the division of the undivided State and all its entities into two, the question of jurisdiction had arisen before this Commission, TSERC and the CERC in respect of matters arising under the Electricity Act, 2003 read with A.P. Electricity Reform Act, 1998 and the conflicting views of the three Commissions are under consideration in a batch of cases before the Hon'ble High Court. Therefore, it will be a matter of principle to follow the accepted canons of judicial propriety to await determination of the question of jurisdiction by the Hon'ble High Court. Hence, call this matter along with other jurisdiction matters on 29-09-2018.

Call on:

29-09-2018  
at 11:00 AM

Sd/-  
MEMBER / PR

Sd/-  
CHAIRMAN

Public hearing on 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.

FOR ORDERS

Sri K. Gopal Choudary, learned counsel for M/s. Simhapuri Energy Limited, Sri P. Shiva Rao, learned Standing Counsel for APSPDCL and Sri M. Venugopala Rao, learned objector are present.

The matter is reopened for further hearing, to have more clarity on some of the issues involved. Further arguments of Sri K. Gopal Choudary, learned counsel for M/s. Simhapuri Energy Limited, Sri P. Shiva Rao, learned Standing Counsel for Southern Power Distribution Company of Andhra Pradesh Limited and Sri M. Venugopala Rao, learned objector are heard. For orders, the matter is posted to 14-08-2018.

Call on:

14-08-2018  
at 4:00 PM

Sd/-  
MEMBER / PR

Sd/-  
CHAIRMAN

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

Public hearing on the 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 and Sri M. Venugopala Rao, learned objector are present

The affidavit of Chief General Manager / RAC / APSPDCL is filed. Office of the Commission to verify and put up a note before the next date of hearing. For hearing, the matter is posted to 18-08-2018.

Call on:

18-08-2018  
at 11:00 AM

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, Sri K. Gopal Choudary, learned *Amicus Curiae* and Sri M. Venugopala Rao, learned objector are present.

For hearing by the full Commission, 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.46 of 2017  
APSPDCL & APEPDCL Vs APGENCO & A.P. Solar Power Corporation Ltd

Public hearing on the 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, Sri M.V. Suresh, EE / Planning and Commercial and Sri M. Venugopala Rao, learned objector are present.

Adjourned for hearing by the full Commission to 18-08-2018.

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

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 respondents are present

Counter of respondents 1 and 2 filed. Time extended for counter of respondent No.4 till 01-09-2018.

Call on: 01-09-2018  
at 11:00 AM

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 respondents are present

Counter filed for respondents 1 and 2. Learned Standing Counsel for respondents reported that no separate counter is being filed by 3<sup>rd</sup> respondent. For rejoinder, if any, the matter is posted to 01-09-2018.

Call on: 01-09-2018  
at 11:00 AM

Sd/-  
MEMBER / PR

Sd/-  
CHAIRMAN

O.P.No.10 of 2018  
M/s. SNJ Sugars and Products Ltd Vs APTRANSCO & APSPDCL

Petition under Section 86 (1) (f) of the Electricity Act, 2003 r/w APERC  
(Conduct of Business)

Regulations, 1999 for recovery of Rs.62,86,451/- along with interest of  
Rs.1,23,71,566/-, totalling to an amount Rs.1,86,58,017/- towards balance amount,  
payable for the energy supplied by the petitioner during the period from 21-01-2004  
to 31-03-2004 as per tariff determined by the APERC vide order dated 27-08-2012 in  
R.P.No. 10 of 2003 and in terms of the tariff agreed as per PPA dated 10-07-2002  
and future 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  
respondents are present

Counter of respondents 1 and 2 filed. For rejoinder, if any, the matter is posted to  
01-09-2018.

Call on: 01-09-2018  
at 11:00 AM

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, time  
extended for filing response on the additional information till 01-09-2018.

Call on: 01-09-2018  
at 11:00 AM

Sd/-  
MEMBER / PR

Sd/-  
CHAIRMAN