

**Record of proceedings dated 13-07-2018**

O.P. No. 15 of 2018  
APTRANSCO Vs ---

Petition filed u/s 62 of the Electricity Act, 2003 for determination of tariff for intra-state transmission lines of APTRANSCO for FY 2018-19 to include the same in PoC mechanism

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

No views / objections / suggestions are received from any interested person / stakeholder and no interested person / stakeholder is present. Heard Sri P. Shiva Rao, learned Standing Counsel for the petitioner. For orders, the matter is posted to 21-07-2018.

Call on:

21-07-2018  
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 Sri M. Sridhar, learned counsel representing Sri Challa Gunaranjan, learned counsel for Greenco Rayala Wind Power Private Limited, learned objectors are present.

Orders pronounced (*vide separate order*)

“In the Result,----

- (a) In exercise of the powers conferred on the Commission by Section 181 of the Electricity Act, 2003, Section 54 of the Andhra Pradesh Electricity Reform Act, 1998 and clause 1 (2) of The Andhra Pradesh Electricity Regulatory Commission (Terms and Conditions for Tariff Determination for Wind Power Projects) Regulations, 2015, Regulation 1 of 2015, it is hereby declared that the Andhra Pradesh Electricity Regulatory Commission (Terms and Conditions for Tariff Determination for Wind Power Projects) Regulations, 2015, Regulation 1 of 2015 shall be deemed to have remained in force upto 31-03-2017 and shall be deemed to have ceased to be in force with effect from 01-04-2017;
- (b) The petitioners are at liberty to procure power through a transparent process of bidding in accordance with the guidelines for tariff based competitive bidding process for procurement of power from grid connected wind power projects formulated and issued by the Ministry of Power, Government of India dated 08-12-2017 under Section 63 of the Electricity Act, 2003;
- (c) The petitioners are also at liberty to procure power from wind power projects in accordance with Sections 61, 62, 64 and 86 (1) (b) of the Electricity Act, 2003 and Sections 21 and 26 of the Andhra Pradesh Electricity Reform Act, 1998 and rules, regulations, practice directions and orders issued there under until an appropriate regulation in that behalf is made by this Commission and any Power Purchase Agreement or tariff there under for such procurement shall be guided by the principles contained in the provisions of the Central Electricity Regulatory Commission (Terms and Conditions for Tariff Determination from Renewable Energy Sources) Regulations, 2017;
- (d) The order of the Commission dated 13-12-2017 in the matter of 41 Power Purchase Agreements between Southern Power Distribution Company of Andhra Pradesh Limited and various wind power developers and the order

of the Commission in O.P.No.15 of 2017 dated 30-03-2017 shall be subject to this order as already stated in the said two orders respectively;  
(e) This operative portion of this order shall be notified and published in the official Gazette of the State of Andhra Pradesh;

**A N D**

This Original Petition is ordered accordingly”.

Sd/-  
MEMBER / PRM

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MEMBER / PR

Sd/-  
CHAIRMAN

O.P. No. 21 of 2016  
FOR ORDERS

APSPDCL & APEPDCL Vs Andhra Pradesh Power Development Company Ltd  
(APPDCL)

Application filed u/s 21 (1) & (5) of the A.P. Electricity Reform Act, 1998 for grant of consent for the Amended and Restated Power Purchase Agreement of 2 x 800 MW Sri Damodaram Sanjeevaiah Thermal Power Station (SDSTPS), Stage - I, dated 24-08-2016

Sri P. Shiva Rao, learned Standing Counsel for the petitioners and Sri G. Adinarayana, Director / APPDCL are present.

Orders pronounced (*vide separate order*)

“11. To sum up, the Commission hereby grants in principle approval to the amended and restated Power Purchase Agreement dated 24.08.2016 between Andhra Pradesh Power Development Company Limited, and Southern Power Distribution Company of Andhra Pradesh Limited & Eastern Power Distribution Company of Andhra Pradesh Limited in respect of 2 X 800 MW Sri Damodaram Sanjeevaiah Thermal Power Station, subject to the following (conditions/directions):

- (i) The decision of Government of India on the issue of continuation of PPAs after bifurcation of the State as dealt under para 10 (b) supra;
- (ii) The Capital cost and all other ancillary & incidental issues including but not limited to the consequential tariff etc., to be determined by this

Commission pursuant to the application filed by APPDCL upon following due process;

12. The decision of the Commission on the following issues needs to be given effect to by way of discussion by the parties and submitting suitable amendments duly executed to the amended PPA and submitted in the Commission for consent within 60 days from the date of this order:

- a. At paras 10 (d) relating to payment of fixed charges on normative availability of power of 85% of the capacity and the incentive also to commence from above 85%.
- b. At paras 10 (f) (iii) relating to non-payment of fixed charges for backing down & third party sales by APPDCL in such an eventuality and
- c. At paras 10 (f) (v) relating to deletion of stipulation to claim fixed charges during force majeure.

13. With the above directions the petition is disposed of. No Costs”.

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MEMBER / PRM

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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 and to refund the same with interest

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.

At request, the matter is posted to 21-07-2018.

Call on:

21-07-2018  
at 11:00 AM

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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 and to refund the same with interest

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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 and to refund the same with interest

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

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.

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