

**Record of proceedings dated 15-06-2019**

O.P.No.40 of 2019

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

Petition challenging the short-term purchase of power by the Respondent No. 1 & 2  
from the Respondent No.3

Ms. Gorantla Srirangana Pujitha, learned counsel for the petitioner, Sri P. Shiva Rao, learned Standing Counsel for the 1<sup>st</sup> respondent and Sri T. Uma Sankar, learned counsel for the 2<sup>nd</sup> respondent are present.

Counter of respondents 1 and 2 is filed. Time extended, at request, for the counter of 3<sup>rd</sup> respondent, response of the petitioner and respondents to the objections of Sri M. Venugopala Rao, learned objector and rejoinder, if any, to the counter of respondents 1 and 2 till 06-07-2019.

Call on:

06-07-2019  
at 11:00 AM

Sd/-  
MEMBER / PRM

Sd/-  
MEMBER /PR

Sd/-  
CHAIRMAN

I.A.No.3 of 2019 in O.P.No.8 of 2018  
Lanco Kondapalli Power Limited (Respondent in main O.P) Vs APDISCOMs  
(Petitioners in main O.P)

Application under Section 86 (1) (b) of Electricity Act, 2003 read with Clause (55) of APERC  
(Conduct of Business) Regulations seeking directions to the respondents to pay variable  
cost on pass through basis corresponding to the increase / decrease in cost of fuel from time  
to time for the exported units from the generating station and the same is taken on the file of  
the Commission as I.A. No. 3 of 2019 in O.P. No. 8 of 2018

Sri Challa Gunaranjan and Sri Deepak Chowdhury, learned counsel for the petitioner, Sri P. Shiva Rao, learned Standing Counsel for the respondents and Ms. Gorantla Sriranga Pujitha, learned counsel for M/s. GMR Vemagiri Power Generation Limited are present.

Counter of both respondents is filed. Time extended, at request of Sri M.S. Prasad, learned Senior Counsel for the petitioner for rejoinder till 22-06-2019. The respondents have no response to the objections filed by the learned objectors.

Call on: 22-06-2019  
at 11:00 AM

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MEMBER / PRM

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MEMBER /PR

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CHAIRMAN

O.P.No.8 of 2018  
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.

Sri P. Shiva Rao, learned Standing Counsel for the petitioners, Sri Challa Gunaranjan & Sri Deepak Chowdhury, learned counsel for the respondent and Ms. Gorantla Sriranga Pujitha, learned counsel for M/s. GMR Vemagiri Power Generation Limited are present.

Time extended at request of Sri P. Shiva Rao, learned Standing Counsel for the petitioners for any response to the Memo filed by the respondent on 18-05-2019 till 22-06-2019.

Call on: 22-06-2019  
at 11:00 AM

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Sd/-  
MEMBER /PR

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CHAIRMAN

I.A. No. 6 of 2019 in O.P. No.8 of 2018 and I.A. No. 7 of 2019 in I.A. No.6 of 2019  
APSPDCL & APEPDCL Vs M/s. Lanco Kondapalli Power Ltd

M/s. GMR Vemagiri Power Generation Ltd filed Intervention cum Objection affidavit and interlocutory application

Sri P. Shiva Rao, learned Standing Counsel for the petitioners, Sri Challa Gunaranjan, learned counsel for the respondent and Ms. Gorantla Sriranga Pujitha, learned counsel for Intervention Petitioner are present.

For hearing, at request, the matter is posted to 22-06-2019.

Call on:

22-06-2019  
at 11:00 AM

Sd/-  
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CHAIRMAN

Public hearing in O.P.No.1 to 16, 22 to 26 of 2019 along with connected Power Purchase Agreements (21 Nos.) between M/s Axis Wind Farms (Uravakonda) Pvt. Ltd. and APSPDCL & batch

Public hearing in the petitions filed u/s 61 (h), 62 (1) (a), 64 (1), 86 (1) (a), 86 (1) (b) and 86 (1) (e) of the Electricity Act, 2003 r/w CERC (Terms and Conditions for tariff determination from Renewable Energy Sources) Regulations, 2017 and Section 21 of the A.P. Electricity Reform Act, 1998.

Public hearing on 16 Nos. PPAs (12 + 4) and their amendments in respect of clients of M/s. Suzlon Energy and M/s. Axis Energy Ventures India Pvt Ltd filed by APSPDCL for consent of the Commission

Public hearing on 5 Nos. PPAs and their amendments in respect of clients of M/s. Suzlon Energy and M/s. Axis Energy Ventures India Pvt Ltd filed by APSPDCL for consent of the Commission

Public hearing on 21 Nos PPAs (12 + 4 + 5) and their amendments in respect of client of M/s. Suzlon Energy and M/s. Axis Energy Ventures India Pvt. Ltd filed by APSPDCL for consent of the Commission.

Sri Prahastha.M, learned counsel & Sri Deepak Chowdhury, learned counsel for the petitioners and Sri P. Shiva Rao, learned Standing Counsel for the respondents/utilities are present.

Rejoinders of the petitioners to the counters of the utilities were stated to have been filed on the last hearing date. Time extended for responses of the petitioners and the utilities for the objections of the stakeholders, at request, till 29-06-2019.

Call on: 29-06-2019  
at 11:00 AM

Sd/-  
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CHAIRMAN

O.P.No.41 of 2019  
M/s. Palnadu Solar Power Pvt. Ltd Vs CMD / APSPDCL CE / APPCC /  
APTRANSCO and CGM / Projects & IPC / APSPDCL

Petition filed u/s 63 of the Electricity Act, 2003 r/w APERC (Conduct of Business) Regulation 1999 for approval of tariff for the additional capacity of 4.5 MW of the petitioner's solar power project as determined through competitive bidding process.

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

Counter of respondents is filed. Time extended at request of Sri Challa Gunaranjan, learned counsel for the petitioner for rejoinder and response to the objections of Sri M. Venugopala Rao and Sri M. Thimma Reddy, learned objectors till 29-06-2019.

Call on: 29-06-2019  
at 11:00 AM

Sd/-  
MEMBER / PRM

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CHAIRMAN

Public hearing in the matter of granting consent for renewed PPA signed by APDISCOMs for the old stations of APGENCO for the period from 01-04-2019 to 31-03-2024

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

Response of AP Genco to the objections of Sri M. Venugopala Rao, learned objector is filed. Time extended for response of the AP Discoms to the objections of Sri M. Venugopala Rao, learned objector, at request, till 29-06-2019.

Call on: 29-06-2019  
at 11:00 AM

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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.

For hearing, at request, the matter is posted to 06-07-2019.

Call on: 06-07-2019  
at 11:00 AM

Sd/-  
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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.

For hearing, at request, the matter is posted to 06-07-2019.

Call on: 06-07-2019  
at 11:00 AM

Sd/-  
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Sd/-  
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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 respondents are present.

At request, the matter is posted to 12-07-2019 at 2:30 PM.

Call on: 12-07-2019  
at 2:30 PM

Sd/-  
MEMBER / PRM

Sd/-  
MEMBER /PR

Sd/-  
CHAIRMAN

O.P.No.34 of 2019  
M/s. JSW Power Trading Company Ltd Vs APSPDCL

Petition under Sections 86 (1) (f) & other applicable provisions of the Electricity Act, 2003 and Regulations made thereunder seeking direction to respondent for payment of unlawfully withheld amount including interest for the supply of energy to respondent under Purchase Order dated 21-08-2014 and Power Purchase Agreement dated 29-09-2014

Sri Suraj D Guru (AR) & Sri Tushar Borse, learned counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the respondent are present.

Time extended for counter, at request, finally till 29-06-2019.

Call on: 29-06-2019  
at 11:00 AM

Sd/-  
MEMBER / PRM

Sd/-  
MEMBER /PR

Sd/-  
CHAIRMAN

O.P.No.31 of 2019  
M/s. Azure Power Infrastructure Private Limited Vs APSPDCL

Petition under Section 86 (1) (a) and (b) read with Section 86 (1) (f) of the Electricity Act, 2003 and Article 13 read with Article 11.4 of the Power Purchase Agreement executed between the petitioner and respondent dated 05-12-2014 seeking relief on account of "Change in Law" viz., the introduction of Goods and Services Tax Laws at the Central level and change in the rate of Service Tax, resulting in additional recurring expenditure in the form of an additional tax burden to be borne by the petitioner after the Effective Date of the Power Purchase Agreement

Sri Deepak Chowdhury, learned counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the respondent are present.

Counter filed. For rejoinder, time extended, at request, till 29-06-2019.

Call on: 29-06-2019  
at 11:00 AM

Sd/-  
MEMBER / PRM

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MEMBER /PR

Sd/-  
CHAIRMAN

O.P.No.27 of 2019  
M/s. Spectrum Power Generation Limited Vs APSPDCL & APEPDCL

Petition under Section 62 (1), 86 (1) (b) of the Electricity Act, 2003 read with Clause (55) of APERC (Conduct of Business) Regulations, seeking approval for the tariff (FC & VC) as proposed by them for the FY 2018-19 and FY 2019-20 i.e., fixed cost at Rs.0.92 / Kwh on actual units supplied subject to an overall ceiling of Rs.108.17 crores and change in variable cost from time to time based on revision in natural gas prices with effect from 01-04-2019 as pass through basis

Sri T. Uma Sankar, learned counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the respondents are present.

Counter filed. For rejoinder, time extended, at request, till 29-06-2019.

Call on: 29-06-2019  
at 11:00 AM

Sd/-  
MEMBER / PRM

Sd/-  
MEMBER /PR

Sd/-  
CHAIRMAN

O.P.No.35 of 2019  
M/s. Vayu Urja Bharat Private Limited Vs APSPDCL

Petition under Section 86 (1) (f) read with 86 (1) (e) of the Electricity Act, 2003, Regulation 8 of the APERC (Conduct of Business) Regulations, 1999 as amended from time to time read with Article 10 of the Power Purchase Agreement (PPA) dated 28-07-2016 seeking direction to the respondent for releasing payment against the outstanding invoices towards sale of wind energy along with the interest / delayed payment surcharge on such delayed payments as per the PPA

Sri Pratik Das, learned counsel representing Sri Aniket Prasoon, learned counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the respondent are present.

Counter filed. For rejoinder, time extended, at request, till 29-06-2019.

Call on:

29-06-2019  
at 11:00 AM

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MEMBER /PR

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CHAIRMAN

M/s. Balaji Energy Pvt Ltd Vs APSPDCL

In the matter remanded by the Hon'ble High Court of A.P. vide its order dated 29-04-2019 in W.P.No.32465 of 2017

Sri S. Ravi, learned Senior Counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the respondent are present.

Heard Sri S. Ravi, learned Senior Counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the respondent. For orders, the matter is posted to 06-07-2019.

Call on:

06-07-2019  
at 11:00 AM

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MEMBER /PR

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