Record of proceedings dated 20-12-2019

O.P.No.75 of 2019

Draft order dated 22-03-2019 in the matter of determination of variable cost for the period from 01-04-2019 to 31-03-2024 in respect of the existing Biomass, Industrial Waste and Bagasse based power plants.


We have heard Sri K. Gopal Chowdary, learned counsel appearing for M/s. Sri Venkata Sridevi Power LLP, Sri Challa Gunaranjan, learned counsel appearing for some of the objectors and Sri P. Shiva Rao, learned Standing Counsel for the utilities. During the hearing the learned Standing Counsel appearing for the generators relied upon CERC 2017 Regulation and the calculation made by him in support of their claim for fixing the price. The learned Standing Counsel undertook to file copies of the same within a week and the office shall receive the same as and when presented and place the same on file. Hearing is concluded. Orders are reserved.

Sd/-
MEMBER / PRM

Sd/-
CHAIRMAN

Sd/-
MEMBER / PR

I.A.No.26 of 2019 in O.P. Nos. 60 & 61 of 2017
APSPDCL & APEPDCL

Petition filed by APDISCOMs for determination of true-up for Retail Supply Business for FY2018-19 in accordance with the APERC (Terms & Conditions for determination of tariff for Wheeling and Retail Sale of Electricity) Regulation No. 4 of 2005 and amendments issued from time to time.

Sri P. Shiva Rao, learned Standing Counsel for the petitioners, Sri M. Venugopala Rao and Sri R. Shiva Kumar, FAPCCI, learned objectors are present.
Sri M. Venugopala Rao and Sri R. Shiva Kumar, FAPCCI, filed their respective objections. Sri R. Shiva Kumar, FAPCCI requested to direct the two Distribution Companies to furnish a copy of the balance sheet. Sri P. Siva Rao is directed to file the copies before the Commission after furnishing the same to the two objectors within two weeks. Mr. P. Siva Rao requested time for filing response. Call on 14-02-2020 along with O.P.No.50 of 2019 and batch.

Sd/-
MEMBER / PRM

O.P.No.40 of 2019
GMR Vemagiri Power Generation Ltd Vs APSPDCL, APEPDCL & M/s. Spectrum Power Generation Ltd

Sd/-
CHAIRMAN

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

Siri D. Prakash Reddy, Senior Counsel, Ms. Pujitha Gorantla, learned counsel for M/s. GMR Vemagiri Power Generation Limited, Sri P. Shiva Rao, learned Standing Counsel for the utilities, Sri S. Ravi, learned Senior Counsel, Sri M. Naga Deepak, Counsel for the respondent No.3 (M/s. Spectrum Power Generation Limited) and Sri M. Venugopala Rao, learned objector are present.

Sri M. Naga Deepak, Counsel for the respondent No.3 requested for adjournment to engage a senior counsel. The learned Standing Counsel for the utilities and Sri D. Prakash Reddy did not oppose the request. Therefore, this case is adjourned. Call on 19-02-2020.

Sd/-
MEMBER / PRM

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 K. Gopal Choudary, learned counsel representing Sri Challa Gunaranjan, learned counsel for the petitioner, Sri P. Shiva Rao, learned Standing Counsel for the respondents, Ms. Pujitha Gorantla, learned counsel M/s. GMR Vemagiri Power Generation Limited and Sri M. Venugopala Rao, learned objector are present.

Call along with O.P.No.8 of 2018 on 19-02-2020.

Sd/-
MEMBER / PRM

Sd/-
CHAIRMAN

Sd/-
MEMBER / PR

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 K. Gopal Choudary, learned counsel representing Sri Challa Gunaranjan, learned counsel for the respondent, Ms. Pujitha Gorantla, learned counsel M/s. GMR Vemagiri Power Generation Limited and Sri M. Venugopala Rao, learned objector are present.

Sri Challa Gunaranjan, learned counsel filed before the Commission an order of the NCLT. Sri P. Siva Rao, learned Standing Counsel for utilities submitted that he has instructions for withdrawing the O.P and pressed for the same. Call on 19-02-2020.

Sd/-
MEMBER / PRM

Sd/-
CHAIRMAN

Sd/-
MEMBER / PR

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

GMR Vemagiri Power Generation Limited, Intervention Petitioner and Sri M. Venugopala Rao, learned objector are present.

Call along with O.P.No.8 of 2018 on 19-02-2020.

Sd/-
MEMBER / PRM

Sd/-
CHAIRMAN

Sd/-
MEMBER / PR

I.A.No.16 of 2019 in O.P.No.8 of 2018

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

Application filed by the above mentioned applicants / petitioners under Order 21, Rule 1 CPC, seeking permission to withdraw the O.P.No.8 of 2018 (APDISCOMS Vs. M/s. Lanco Kondapalli Power Ltd, seeking renewal of PPA) and dismiss the same as withdrawn

Sri P. Shiva Rao, learned Standing Counsel for the petitioners, Sri K. Gopal Choudary, learned counsel representing Sri Challa Gunaranjan, learned counsel for M/s. Lanco Kondapalli Power Limited, Ms. Pujitha Gorantla, learned counsel M/s. GMR Vemagiri Power Generation Limited and Sri M. Venugopala Rao, learned objector are present.

Call along with O.P.No.8 of 2018 on 19-02-2020.

Sd/-
MEMBER / PRM

Sd/-
CHAIRMAN

Sd/-
MEMBER / PR

O.P.No.42 of 2019

M/s. Srivathsa Power Projects Pvt Ltd Vs APEPDCL

Petition filed u/s 86 (1) (b) of the Electricity Act, 2003 r/w Clause 55 of APERC (Conduct of Business) Regulations to reconsider the fixation of variable cost on pass through basis instead of variable rate of Rs.2.91/- per unit in respect of the petitioner.

Ms. G. Pravallika, leaned counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the respondent and Sri M. Venugopala Rao, learned objector are present.

Counsel for the petitioner sought time for filing rejoinder. Time is granted. Call on 19-02-2020.

Sd/-
MEMBER / PRM

Sd/-
CHAIRMAN

Sd/-
MEMBER / PR
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 on pass through basis

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

In this petition, the petitioner has claimed two separate reliefs viz:(1) for payment of fixed charges based on the actual PLF achieved during the period FY2018-19 instead of at 40% PLF fixed by this Commission; and (2) for grant of variable costs as pass through. As regards relief No.1, Sri P. Siva Rao, Standing Counsel for the utilities submitted that the respondents have no objection for payment of fixed cost based on the actual PLF. In view of this submission of the learned Standing Counsel, the need for adjudication of OP on merits to the extent of relief No.1 is obviated. The parties are accordingly at liberty to work out the fixed cost amount payable to the petitioner based on the actual PLF during 2018-19. As regards relief No.2, as there is a batch of OPs wherein similar relief is claimed and the said batch adjourned at request; Call on 19-02-2020.

Sd/-  
MEMBER / PRM

Sd/-  
CHAIRMAN

Sd/-  
MEMBER / PR

O.P.No.61 of 2019 & I.A.No.20 of 2019  
M/s. SBG Cleantech Project Co Pvt. Ltd Vs APSLDC, APTRANSCO, APEPDCL, NTPC & MNRE

Petition u/s 33 (4) read with Sections 86 (1) (e), 86 (1) (f) and 86 (1) (k) of the Electricity Act, 2003 and Regulation 8 of the APERC (Conduct of Business) Regulations, 1999 as mended from time to time, inter-alia, seeking direction(s) to the respondents to implement the MUST RUN status accorded to the petitioner’s Solar Project in letter and spirit, refrain from illegally curtailing the solar energy generated therefrom, and compensate the petitioner for the unlawful and arbitrary curtailment of generation from the petitioner’s Solar Project
Ms. Akanksha Tanvir representing Sri Aniket Prasoon, learned counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the respondents are present.

Ms. Akanksha Tanvir, learned counsel for the petitioner filed rejoinder and requested for hearing. Call on 21-12-2019.

Sd/-
MEMBER / PRM

Sd/-
CHAIRMAN

Sd/-
MEMBER / PR

O.P.No.34 of 2019

M/s. JSW Power Trading Company Ltd Vs APSPDCL
Petition under Section 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 Das Guru, learned counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the respondent are present.

We have heard Sri Suraj Das Guru, AR of the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the respondent. Sri Suraj Das Guru placed before us a copy of email communication sent by General Manager, (PP&S)/APPCC, Vijayawada a reading of which shows that the petitioner was requested to attend the meeting “as ordered” by the Commission. Indeed on 23-11-2019 we have adjourned the case at the request of Sri P. Siva Rao to facilitate the respondent to negotiate with the petitioner. Therefore, the email communication is misleading. The General Manager, (PP&S)/APPCC, Vijayawada is directed to appear in person along with a sworn affidavit explaining his conduct in misinterpreting the order of the Commission.

Sri Suraj Das Guru also complained that just two days before the scheduled date of hearing, the respondent has fixed the meeting and the respondent was not serious in resolving the dispute. We take exception to the conduct of the respondent. Though this case was adjourned from 23-11-2019, they fixed the meeting for 18-12-2019 i.e., two days before the scheduled date of hearing. The respondent was permitted to hold negotiations with the petitioner in public interest to reduce its liability of late
payment charges which are otherwise payable in full. Sri P. Siva Rao requested for one more opportunity to hold the negotiations. We accordingly adjourn this case to facilitate negotiations based on the request of the respondent. The respondent is permitted to send their representative with authority to take a decision at his end to the petitioner’s head office at Mumbai on the day fixed by the petitioner for holding negotiations. We make it clear that we would not adjourn the case further. Call on 31-12-2019

Sd/-
MEMBER / PRM

Sd/-
CHAIRMAN

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MEMBER / PR