

Record of proceedings dated 21-07-2018

O.P.No.47 of 2017 & I.A.No.28 of 2017

A.P. Power Development Company Ltd (APPDCL) Vs APSPDCL & APEPDCL

Public hearing on the application for determination of tariff for supply of electricity generated at the Sri Damodaram Sanjeevaiah Thermal Power Station (SDSTPS) (2 x 800 MW) to the APDISCOMs from 05-02-2015 for the rest of the control period of 2014-19 of 2 x 800 MW

Public hearing on the application filed u/s 94 (2) of the Electricity Act, 2003 praying the Commission to pass interim orders directing the respondents to pay an interim tariff of Rs.4.04 per kWh for the energy supplied by it to the respondents during FY 2017-18, pending disposal of the main petition in O.P.No.47 of 2017.

Sri K. Gopal Choudary, learned counsel for the petitioner, Sri P. Shiva Rao, learned Standing Counsel for the respondents and Sri M. Venugopala Rao, learned objector are present.

The examination of the material by the office of the Commission is still in progress.

Hence, the matter is posted to 04-08-2018.

Call on:

04-08-2018
at 11:00 AM

Sd/-
MEMBER / PR

Sd/-
CHAIRMAN

O.P.No.2 of 2017
M/s. Richmond Power Pvt. Ltd. Vs APEPDCL

Public hearing on the Petition filed u/s 86 (1) (a) of the Electricity Act, 2003 r/w Regulation 55 [Saving of inherent power of the Commission] of the APERC (Conduct of Business) Regulations, 1999

Sri M. Abhinay, learned counsel representing Sri P. Vikram, learned counsel for the petitioner, Sri P. Shiva Rao, learned Standing Counsel for the respondent and Sri M. Venugopala Rao, learned objector are present.

At request of Sri Abhinay, learned counsel representing Sri P. Vikram, learned counsel for the petitioner, as the Board of Directors of the petitioner company is under reconstitution, which has to take a decision on the issue. Hence, the matter is posted to 18-08-2018.

Call on:

18-08-2018
at 11:00 AM

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.

A letter has been filed by the Eastern Power Distribution Company of Andhra Pradesh Limited stating that apart from the amount of Rs.666.50 crores already factored in the Genco tariff, Rs.838 crores has to be still approved as true-up towards pension liabilities, which is not in consonance with the oral submissions made earlier. Hence, for furnishing a detailed affidavit of a responsible officer of the petitioners containing final stand of the petitioners in the matter about what has to be trued-up and what has not. Hence, the matter is posted to 04-08-2018.

Call on:

04-08-2018
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.

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.

Heard Sri K. Gopal Choudary, learned counsel for M/s. Simhapuri Energy Limited. For continuation of hearing at request of Sri P. Shiva Rao, learned Standing Counsel for APSPDCL, the matter is posted to 28-07-2018.

Call on: 28-07-2018
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 and Sri M. Venugopala Rao, learned objector are present.

Sri M. Venugopala Rao, learned objector alone present among the objectors and requested time for a week. Hence, the matter is posted to 28-07-2018.

Call on: 28-07-2018
at 11:00 AM

Sd/-
MEMBER / PR

Sd/-
CHAIRMAN

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

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

Public hearing on 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 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 28-07-2018.

Call on:

28-07-2018
at 11:00 AM

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

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

Orders are not ready. For orders, the matter is posted to 28-07-2018.

Call on:

28-07-2018
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.

Heard Sri K. Gopal Choudary, learned counsel and Sri M. Venugopala Rao, learned
objector. For further hearing and response of the distribution companies to the
suggestions made, the matter is posted to 04-08-2018.

Call on:

04-08-2018
at 11:00 AM

Sd/-
MEMBER / PR

Sd/-
CHAIRMAN

O.P.No.15 of 2018
FOR ORDERS

APTRANSCO Vs ---

Public hearing on the 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 are present.

Orders pronounced (vide separate order)

“10. On inclusion of the assets covered in the petition in the PoC methodology by the implementing agency, in line with the sharing of inter-state transmission charges and losses regulations, 2010 and the amendments thereto and upon receiving of the transmission charges, the YTC recovered shall be adjusted against the ARR of the petitioner.

11. The petition is ordered accordingly”.

Sd/-
MEMBER / PR

Sd/-
CHAIRMAN

I.A.No.5 of 2017 in O.P.No.28 of 2016
FOR ORDERS

APSPDCL Vs ---

Public hearing in the matter of approval for additional surcharge from Open Access consumers during FY 2017-18 under Section 42 (4) of the Electricity Act, 2003

Sri P. Shiva Rao, learned Standing Counsel for the petitioner, Sri K. Gopal Choudary, learned counsel for (i) ITC Limited & (ii) Small Hydro Power Developers Association and Sri Challa Gunaranjan, learned counsel for (i) Ravali Spinners Pvt. Ltd., (ii) M/s. Parasakti Cement Industries Limited (iii) M/s. KCP Cement & Sugar Industries Limited (iv) M/s. GREENCO (v) Reddy Laboratories & (vi) Mylan Laboratories, learned objectors are present.

Orders pronounced (*vide separate common order*)

“44. The licensees could not properly substantiate their claim for determination of additional surcharge for FY2017-18 in any respect except projecting a change in the methodology from their original petition and once again had not been able to demonstrate conclusively

the obligation of a licensee, in terms of existing power purchase commitments, has been and continues to be stranded on account of eligible open access and thus the parameters required for grant of additional surcharge prescribed by section 42(4) read with clause 8.5.4 of the National Tariff Policy, 2016

45. Hence, both the interlocutory applications are dismissed. No costs”.

Sd/-
MEMBER / PR

Sd/-
CHAIRMAN

I.A.No.6 of 2017 in O.P.No.29 of 2016
FOR ORDERS

APEPDCL Vs ---

Public hearing in the matter of approval for additional surcharge from Open Access consumers during FY 2017-18 under Section 42 (4) of the Electricity Act, 2003

Sri P. Shiva Rao, learned Standing Counsel for the petitioner, Sri K. Gopal Choudary, learned counsel for (i) ITC Limited & (ii) Small Hydro Power Developers Association and Sri Challa Gunaranjan, learned counsel for (i) Ravali Spinners Pvt. Ltd., (ii) M/s. Parasakti Cement Industries Limited (iii) M/s. KCP Cement & Sugar Industries Limited (iv) M/s. GREENCO (v) Reddy Laboratories & (vi) Mylan Laboratories, learned objectors are present.

Orders pronounced (*vide separate common order*)

“**44.** The licensees could not properly substantiate their claim for determination of additional surcharge for FY2017-18 in any respect except projecting a change in the methodology from their original petition and once again had not been able to demonstrate conclusively

the obligation of a licensee, in terms of existing power purchase commitments, has been and continues to be stranded on account of eligible open access and thus the parameters required for grant of additional surcharge prescribed by section 42(4) read with clause 8.5.4 of the National Tariff Policy, 2016

45. Hence, both the interlocutory applications are dismissed. No costs”.

Sd/-
MEMBER / PR

Sd/-
CHAIRMAN

O.P.No.31 of 2017
APSPDCL & APEPDCL Vs M/s. GVK Industries Ltd & 2 others

Petition under Section 86 (1) (f) of the Electricity Act, 2003 requesting the Commission to direct the respondent No.1 to pay the energy consumed by it towards Start-up and Maintenance of its 220 MW project at Jegurupadu, East Godavari District at HT-1 scheduled tariff

Sri P. Shiva Rao, learned Standing Counsel for the petitioners and Sri M. Naga Deepak, learned counsel representing Sri Ch. Pushyam Kiran, learned counsel for GVK Industries Limited are present.

At request of Sri M. Naga Deepak, learned counsel representing Sri Ch. Pushyam Kiran, learned counsel for GVK Industries Limited, the matter is posted to 04-08-2018.

Call on:

04-08-2018
at 11:00 AM

Sd/-
MEMBER / PR

Sd/-
CHAIRMAN

O.P.No.6 of 2017
APSPDCL & APEPDCL Vs M/s. Reliance Infrastructure Ltd., TSSPDCL & TSNPDCL
(R-2 & R-3 are Proforma Parties)

Petition filed under Section 86 (1) (f) of the Electricity Act, 2003 requesting the Commission to direct the Respondent No.1 (M/s. Reliance Infrastructure Ltd) to pay for the energy consumed by the latter towards auxiliary consumption for its 220 MW power project at Samalkot at HT-1 scheduled tariff

Sri P. Shiva Rao, learned Standing Counsel for the petitioners and Sri M. Abhinay, learned counsel representing Sri P. Vikram, learned counsel for Reliance Infrastructure Limited are present.

At request of Sri P. Shiva Rao, learned Standing Counsel for the petitioners, time extended for filing reply to the additional affidavit till 04-08-2018.

Call on: 04-08-2018
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 Challa Gunaranjan, learned counsel for the petitioner and P. Shiva Rao, learned Standing Counsel for the respondents are present.

Time extended for counter at request of Sri P. Shiva Rao, learned Standing Counsel for the respondents till 04-08-2018.

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

Sd/-
MEMBER / PR

Sd/-
CHAIRMAN

O.P.No.9 of 2018
M/s. Manihamsa Power Projects Limited & M/s. Knowledge Infrastructure Systems
Private Limited Vs APPCC, APEPDCL & APSPDCL

Petition filed under Section 86 (1) (f) of the Electricity Act, 2003 r/w APERC (Conduct of Business) Regulations, 1999 (Regulation 2 of 1999) claiming for payment of balance amount in terms of the Purchase Order dt.04-06-2012 for the period 01-07-2012 to 30-05-2013 which is illegally withheld by respondents purported to be on account of disproportionate allocation of water among Stage I & II units of the 1st petitioner

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

Time extended for counter till 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 Challa Gunaranjan, learned counsel for the petitioner and P. Shiva Rao, learned Standing Counsel for the utilities are present.

At request, the matter is posted to 28-07-2018.

Call on:

28-07-2018
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 Challa Gunaranjan, learned counsel for the petitioner and P. Shiva Rao, learned Standing Counsel for the utilities are present.

At request, the matter is posted to 28-07-2018.

Call on:

28-07-2018
at 11:00 AM

Sd/-
MEMBER / PR

Sd/-
CHAIRMAN

O.P.No.49 of 2017
M/s. Southern Rocks & Minerals Pvt. Ltd Vs APSLDC & 2 others

Petition under Section 86(1) (f) of the Electricity Act, 2003 r/w Clause 15 of Regulation 2 of 2006 & APERC (Conduct of Business) Regulations, 1999 to declare the date of commissioning of its solar plant (1.03 MW) as 16-06-2016 and to extend the benefits and incentives provided under G.O.Ms.No.8 dated 12-02-2015 as adopted in Regulation No.1 of 2016 & Regulation No. 2 of 2016 by allowing banking facility and scheduling of energy enabling petitioner to utilize the same for its captive use

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

At request of Sri P. Shiva Rao, learned Standing Counsel for the utilities, the matter is posted to 04-08-2018.

Call on:

04-08-2018
at 11:00 AM

Sd/-
MEMBER / PR

Sd/-
CHAIRMAN

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

Arguments of Sri Challa Gunaranjan, learned counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the utilities are heard. For orders, the matter is posted to 28-07-2018.

Call on:

28-07-2018
at 11:00 AM

Sd/-
MEMBER / PR

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

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

Arguments of Sri Challa Gunaranjan, learned counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the utilities are heard. For orders, the matter is posted to 28-07-2018.

Call on:

28-07-2018
at 11:00 AM

Sd/-
MEMBER / PR

Sd/-
CHAIRMAN

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

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

Arguments of Sri Challa Gunaranjan, learned counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the utilities are heard. For orders, the matter is posted to 28-07-2018.

Call on:

28-07-2018
at 11:00 AM

Sd/-
MEMBER / PR

Sd/-
CHAIRMAN

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

Arguments of Sri Challa Gunaranjan, learned counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the utilities are heard. For orders, the matter is posted to 28-07-2018.

Call on:

28-07-2018
at 11:00 AM

Sd/-
MEMBER / PR

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CHAIRMAN