

### **Record of proceedings dated 23-03-2019**

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

Sri Deepak Chowdhury, Indus Law, Advocates and Sri G.V. Brahmananda Rao, learned counsel representing Sri P. Shiva Rao, learned Standing Counsel for the respondents are present.

O.P.No.1 to 16, 22 to 26 of 2019 along with connected Power Purchase Agreements (21 Nos.) concerned in each of these petitions have the parties in common and the questions involved also in common, if not identical. Hence, all these matters shall be dealt with as a batch.

Sri G.V. Brahmananda Rao, learned counsel representing Sri P. Shiva Rao, learned Standing Counsel for the respondents sought for time for filing counters due to personal inconvenience of the learned Standing Counsel. No objectors are present. The objections of APSEB Engineers' Association represented by Dr. S. Chandra Mouli, President are not filed. For response of the petitioners on the objections of Sri M. Venugopala Rao, Sri A. Punna Rao and Sri M. Thimma Reddy and reply of the respondents to the petitions, the matters are posted to 20-04-2019. Sri Deepak

Chowdhury, learned counsel represented that they have no response to be filed to the 21 Power Purchase Agreements filed by the petitioners. No other stake holder has filed any separate objections/views/suggestions on any of the Power Purchase Agreements.

Call on:

20-04-2019  
at 11:00 AM

Sd/-  
MEMBER / PRM

Sd/-  
CHAIRMAN

O.P.No.17 of 2019

APSPDCL & APEPDCL Vs M/s Karam Chand Thapar & Bros Limited & others

Petition u/s 61 (d), 86 (1) (b) and 86 (1) (f) of the Electricity Act, 2003 r/w 55 (1) & (2) of APERC (Conduct of Business) Regulation 2 of 1999, Regulations 23, 24 & 25 of the Regulation No. 1 of 2015 (Terms and Conditions for Tariff Determination for Wind Power Projects in the State of Andhra Pradesh for the period 2015-16 to FY 2019-20) and provisions under PPAs enabled in the APERC orders dt.13-12-2017 to revise the tariff fixed for wind power projects (pursuant to APERC Regulation 1 of 2015)

Sri G.V. Brahmananda Rao, learned counsel representing Sri P. Shiva Rao, learned Standing Counsel for the petitioners, Ms. Mazag Andrabi, learned counsel for (i) M/s. Karam Chand Thaper & Bros. Limited (ii) M/s. Renew Wind Energy Private Limited (iii) M/s. Ostro AP Wind Private Limited (iv) M/s. Helios Infratech Private Limited (v) M/s. Mayank Green Energy (vi) M/s. Ostro Anantapur Wind Private Limited (vii) M/s. Ostro Andhra Wind Private Limited (viii) M/s. KCT Renewable Energy Private Limited & (ix) M/s. Sterling Agro Industries Limited; Sri S. Nagarjuna Reddy, Assistant Manager representing (i) M/s. Mytrah Vaayu (Indravathi) Private Limited (ii) M/s. Mytrah Vayu (Tungabadra) Private Limited & (iii) M/s. Mytrah Vayu (Krishna) Private Limited; Sri Deepak Chowdhury, learned counsel for (i) M/s. Axis Wind Energy (Anantapur) Private Limited & (ii) M/s. Axis Wind Farms (Rayalaseema) Private Limited; Sri K. Syamala Rao, Deputy Manager representing (i) M/s. Eenadu

Television Private Limited & (ii) M/s. Ushodaya Enterprises Private Limited, Sri Srinivas Mantha, learned counsel for (i) M/s. Orange Uravakonda Wind Power Private Limited (ii) M/s. Axis Wind Energy (MPR Dam) (iii) M/s. JED Solar Parks Private Limited (iv) M/s. Poly Solar Parks Private Limited & M/s. Orange Anantapur Wind Power Private Limited, Sri H. Rajesh Kumar, learned counsel for M/s. Tata Power Renewable Energy Limited and Sri Challa Gunaranjan, learned counsel for (i) M/s. Jindal Aluminium Limited (ii) M/s. Vibrant Green Tech India Limited & (ii) M/s. Sunwin Power Tech India Private Limited, respondents and Sri S. Nagarjuna Reddy, Assistant Manager representing M/s. Mytrah Energy (India) Private Limited, objector are present.

Sri Challa Gunaranjan, learned counsel for some of the respondents represented that W.P.Nos.2401/2019, 2459/2019, 2461/2019 & 2462/2019 are likely to be listed before the Hon'ble High Court for hearing next week.

Out of the notices sent to 39 respondents, 5 notices were returned unserved and 18 notices were not returned. 16 respondents out of 39 were served. Out of them 4 respondents entered appearance. The remaining respondents did not enter appearance. Issue fresh notices to 23 respondents, whose notices were either not served or not returned. Counters/responses of the other respondents and objectors in the meanwhile. Hence, the matter is posted to 27-04-2019.

Call on:

27-04-2019  
at 11:00 AM

Sd/-  
MEMBER / PRM

Sd/-  
CHAIRMAN

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

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 P. Vikram, learned counsel for the petitioner and Sri G.V. Brahmananda Rao, learned counsel representing Sri P. Shiva Rao, learned Standing Counsel for the respondent are present.

At request, the matter is posted to 30-03-2019.

Call on: 30-03-2019  
at 11:00 AM

Sd/-  
MEMBER / PRM

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 Sri G.V. Brahmananda Rao, learned counsel representing Sri P. Shiva Rao, learned Standing Counsel for the utilities are present.

At request, due to personal inconvenience of Sri P. Shiva Rao, learned Standing Counsel for the utilities, the matter is posted to 27-04-2019.

Call on: 27-04-2019  
at 11:00 AM

Sd/-  
MEMBER / PRM

Sd/-  
CHAIRMAN

O.P.No.9 of 2018

M/s. Manihamsa Power Projects Limited & Knowledge Infrastructure Systems Pvt.  
Ltd 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 1<sup>st</sup> petitioner

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

Heard Sri Challa Gunaranjan, learned counsel for the petitioner and Sri G.V.  
Brahmananda Rao, learned counsel representing Sri P. Shiva Rao, learned Standing  
Counsel for the respondents. Sri G.V. Brahmananda Rao, learned counsel  
representing Sri P. Shiva Rao, learned Standing Counsel for the respondents is  
requested to make available copies of the reports (a) to (h) referred to at Para 17 of  
the petition to the Commission and the learned counsel for the petitioner by the next  
date of hearing and also inform the Commission the reasons for not being able to  
provide copies of any of those reports, if the respondents are not able to provide  
copies of such reports by the next date of hearing. For taking further course of  
action, the matter is posted to 12-04-2019 at 2:00 PM.

Call on:

12-04-2019  
at 2:00 PM

Sd/-  
MEMBER / PRM

Sd/-  
CHAIRMAN

O.P.No.18 of 2019

M/s. Satya Maharshi Power Corporation Limited Vs APTRANSCO & 6 others

Petition under Section 86 (1) (f) of the Electricity Act, 2003 seeking directions to the 2nd Respondent to pay the fixed costs of Rs.54,25,085/- on deemed generation at Rs.1.37/- per unit from 09-06-2017 to 18-07-2017 at 80% PLF and damages incurred during the period of stoppage to the applicant company with interest at 18%

Sri M. Karibasaiah, learned counsel representing Sri O. Manohar Reddy, learned counsel for the petitioner and Sri G.V. Brahmananda Rao, learned counsel representing Sri P. Shiva Rao, learned Standing Counsel for the utilities are present.

Time extended for counter at request of Sri G.V. Brahmananda Rao, learned counsel representing Sri P. Shiva Rao, learned Standing Counsel for the respondents till 27-04-2019.

Call on:

27-04-2019  
at 11:00 AM

Sd/-  
MEMBER / PRM

Sd/-  
CHAIRMAN

O.P.No.19 of 2019

M/s. SLS Power Limited Vs APTRANSCO & 6 others

Petition under Section 86 (1) (f) of the Electricity Act, 2003 seeking directions to the 2nd Respondent to pay the fixed costs of Rs.71,88,480/- on deemed generation at Rs.1.56/- per unit from 09-06-2017 to 18-07-2017 at 80% PLF and damages expenses of Rs.22,00,000/- incurred during the period of stoppage to the applicant company with interest at 18%

Sri M. Karibasaiah, learned counsel representing Sri O. Manohar Reddy, learned counsel for the petitioner and Sri G.V. Brahmananda Rao, learned counsel representing Sri P. Shiva Rao, learned Standing Counsel for the utilities are present.

Time extended for counter at request of Sri G.V. Brahmananda Rao, learned counsel representing Sri P. Shiva Rao, learned Standing Counsel for the respondents till 27-04-2019.

Call on: 27-04-2019  
at 11:00 AM

Sd/-  
MEMBER / PRM

Sd/-  
CHAIRMAN

O.P.No.20 of 2019  
M/s. Sree Venkata Sreedevi Power LLP Vs APTRANSCO & 6 others

Petition under Section 86 (1) (f) of the Electricity Act, 2003 seeking directions to the 2nd Respondent to pay the fixed costs of Rs.65,89,440/- on deemed generation at Rs.1.43/- per unit from 09-06-2017 to 18-07-2017 at 80% PLF and damages, expenses of Rs.21,40,000/- incurred during the period of stoppage to the applicant company with interest at 18%

Sri M. Karibasaiah, learned counsel representing Sri O. Manohar Reddy, learned counsel for the petitioner and Sri G.V. Brahmananda Rao, learned counsel representing Sri P. Shiva Rao, learned Standing Counsel for the utilities are present.

Time extended for counter at request of Sri G.V. Brahmananda Rao, learned counsel representing Sri P. Shiva Rao, learned Standing Counsel for the respondents till 27-04-2019.

Call on: 27-04-2019  
at 11:00 AM

Sd/-  
MEMBER / PRM

Sd/-  
CHAIRMAN

O.P.No.30 of 2019  
M/s. Sree Rayalaseema Green Energy Ltd Vs CMD / APSPDCL & SE / Operation Circle / APSPDCL / Kurnool

Petition under Section 86 (1) (f) of the Electricity Act, 2003 claiming interest for late payment of energy bills by the Distribution Licensee, as per Article 7 sub-section 7.3 of the Power Purchase & Wheeling Agreement

Sri B. Santhosh Kumar, Liaison Officer representing the petitioner and Sri G.V. Brahmananda Rao, learned counsel representing Sri P. Shiva Rao, learned Standing Counsel for the utilities are present.

Sri P. Shiva Rao, learned Standing Counsel entered appearance for respondents. Sri G.V. Brahmananda Rao, learned counsel representing Sri P. Shiva Rao, learned Standing Counsel for the respondents sought for time for filing the counter. Hence, the matter is posted to 27-04-2019.

Call on: 27-04-2019  
at 11:00 AM

Sd/-  
MEMBER / PRM

Sd/-  
CHAIRMAN

O.P. No.33 of 2017  
FOR ORDERS  
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 Sri G.V. Brahmananda Rao, learned counsel representing Sri P. Shiva Rao, learned Standing Counsel for the utilities are present.

Orders are not ready. For orders, the matter is posted to 26-03-2019 (Tuesday) at 3:00 PM.

Call on: 26-03-2019  
at 3:00 PM

Sd/-  
MEMBER / PRM

Sd/-  
CHAIRMAN



O.P.No.34 of 2017  
FOR ORDERS

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 Sri G.V. Brahmananda Rao, learned counsel representing Sri P. Shiva Rao, learned Standing Counsel for the utilities are present.

Orders are not ready. For orders, the matter is posted to 26-03-2019 (Tuesday) at 3:00 PM.

Call on:

26-03-2019  
at 3:00 PM

Sd/-  
MEMBER / PRM

Sd/-  
CHAIRMAN