

**Record of proceedings dated 27-10-2018**

O.P.No.46 of 2017

APSPDCL & APEPDCL Vs APGENCO & A.P. Solar Power Corporation Ltd

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, Sri D.V.S. Someswara Rao, SAO / APGENCO and Sri M. Venugopala Rao, Senior Journalist & Convener, Centre Power Studies, learned objector are present.

Heard Sri P. Shiva Rao, learned Standing Counsel for the petitioners and Sri M. Venugopala Rao, learned objector. Other objectors are not present. For orders, the matter is posted to 03-11-2018.

Call on:

03-11-2018  
at 11:00 AM

Sd/-  
MEMBER / PRM

Sd/-  
MEMBER / PR

Sd/-  
CHAIRMAN

I.A. No. 12 of 2017 in O.P. Nos. 1 & 2 of 2015

APSPDCL & APEPDCL Vs APSPDCL & APEPDCL

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, Sr. Journalist & Convener, Centre for Power Studies, learned objector are present.

The office of the Commission sought for time for finalizing their findings on the replies furnished by the petitioners. Hence, the matter is posted to 03-11-2018.

Call on:

03-11-2018  
at 11:00 AM

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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 M. Venugopala Rao, Sr. Journalist & Convener, Centre for Power Studies, learned objector are present.

The utilities are directed to provide hard copies of the information sought for by the learned *Amicus Curiae* immediately much before the next date of hearing. Hence, the matter is posted to 17-11-2018.

Call on:

17-11-2018  
at 11:00 AM

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CHAIRMAN

Public hearing on Load Forecasts, Resource Plans and State Electricity Plan for 4<sup>th</sup> control period (FY2019-20 to FY2023-24) and 5<sup>th</sup> control period (FY2024-25 to FY2028-29).

Sri P. Shiva Rao, learned Standing Counsel for the utilities, Ms. Oindrilla Mukherjee, Assistant Legal Officer representing M/s. KSK Mahanadi Power Company Limited and Sri M. Venugopala Rao, Sr. Journalist & Convener, Centre for Power Studies, learned objectors are present.

Sri P. Shiva Rao, learned Standing Counsel for the utilities sought for further time for filing their response to the objections in the earlier proceedings relating to the same subject matter for the earlier period. Sri K. Gopal Choudary, learned counsel was requested by the Commission to assist in that matter and the learned counsel was gracious enough to guide the officers and the utilities and help in the progress of the matter in the right direction. Therefore, it is pre-eminently necessary that the expertise of the same learned counsel should be requested to be provided to the Commission in this matter also. Therefore, Sri K. Gopal Choudary is requested by the Commission to assist it in the matter and the office of the Commission may serve copies of all the material papers on Sri K. Gopal Choudary, learned counsel before the next date of hearing. Hence, the matter is posted for the response of the utilities to the objections to 17-11-2018.

Call on:

17-11-2018  
at 11:00 AM

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CHAIRMAN

O.P. No. 16 of 2018 & Memo filed by the respondent  
APSPDCL Vs M/s. SEI Green Flash Private Limited

Petition filed under Section 86 (1) (b) of the Electricity Act, 2003 for grant of approval and consent to the 3rd amendment to the PPA dated 05-12-2014 entered between the parties

Memo filed by the respondent herein (petitioner in O.P.No.7 of 2017) praying the Commission to provide clarification and confirm that tariff is payable at the revised rate as per Amended PPA from CoD in line with the terms of the PPA

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

The calculation memos of both parties are filed. Both parties are directed to check each other's calculations and place on record any objections in the calculations of others by the next date of hearing. Hence, the matter is posted to 03-11-2018.

Call on: 03-11-2018  
at 11:00 AM

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CHAIRMAN

O.P. No. 17 of 2018 & Memo filed by the respondent  
APSPDCL Vs M/s. SEI Arushi Private Limited

Petition filed under Section 86 (1) (b) of the Electricity Act, 2003 for grant of approval and consent to the 2<sup>nd</sup> amendment to the PPA dated 05-12-2014 entered between the parties.

Memo filed by the respondent herein (petitioner in O.P.No. 8 of 2017) praying the Commission to provide clarification and confirm that tariff is payable at the revised rate as per Amended PPA from CoD in line with the terms of the PPA

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

The calculation memos of both parties are filed. Both parties are directed to check each other's calculations and place on record any objections in the calculations of others by the next date of hearing. Hence, the matter is posted to 03-11-2018.

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CHAIRMAN

O.P. No. 18 of 2018 & Memo filed by the respondent  
APSPDCL Vs M/s. Rain Coke Limited

Petition filed under Section 86 (1) (b) of the Electricity Act, 2003 for grant of approval and consent to the 3<sup>rd</sup> amendment to the PPA dated 08-12-2014 entered between the parties.

Memo filed by the respondent herein (petitioner in O.P.No.9 of 2017) praying the Commission to provide clarification and confirm that tariff is payable at the revised rate as per Amended PPA from CoD in line with the terms of the PPA

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

The calculation memos of both parties are filed. Both parties are directed to check each other's calculations and place on record any objections in the calculations of others by the next date of hearing. Hence, the matter is posted to 03-11-2018.

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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 K. Gopal Choudary & Sri Challa Gunaranjan, 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 03-11-2018.

Call on: 03-11-2018  
at 11:00 AM

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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 K. Gopal Choudary & Sri Challa Gunaranjan, 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 03-11-2018.

Call on: 03-11-2018  
at 11:00 AM

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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 P. Shiva Rao, learned Standing Counsel for the respondents are present.

At request, the matter is posted to 03-11-2018.

Call on: 03-11-2018  
at 11:00 AM

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

Rejoinder was already filed. Hence, the matter is posted for hearing to 17-11-2018.

Call on: 17-11-2018  
at 11:00 AM

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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 Sri P. Shiva Rao, learned Standing Counsel for the respondents are present.

At request, the matter is posted to 17-11-2018.

Call on: 17-11-2018  
at 11:00 AM

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Sd/-  
CHAIRMAN

O.P. No. 19 of 2018

Smt. N. Ranamma Vs CMD / APTRANSCO, EE / APTRANSCO / Kadapa and  
Collector & District Magistrate, Chittoor District

Petition filed under the Electricity Act, 2003, Rule 13 (1) & 13 (2) of the Andhra Pradesh Works of Licensee Rules, 2007, for violation of Rules 3 (2) and 3 (4) by  
APTRANSCO

Sri P. Chengal Reddy, learned counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the APTRANSCO are present.

Orders pronounced (*vide separate order*)

“11. Therefore, the matter is remitted back to the District Collector, Chittoor for reconsideration of the subject matter of this petition in respect of the petitioner and for redetermination of the reasonable and full compensation to which the petitioner is entitled to by reason of the works of the licensee in question, on merits in accordance with law in general and the Andhra Pradesh Works of Licensees Rules, 2007 in particular. The matter has to be considered and decided by the District Collector, Chittoor as expeditiously as possible.

12. The Original Petition is ordered accordingly. No costs”.

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CHAIRMAN

R.P.No.1 of 2018 in O.P. No. 1 of 2017

M/s Mangalam Fashions Limited, M/s Woodside Fashions Limited &  
M/s. RBA Properties Ltd Vs APSPDCL & APEPDCL

Petition filed by the petitioners under Section 94 (1) (f) of the Electricity Act, 2003 r/w Regulation 49 of the Principal Regulation APERC (Business Rules of the Commission), 1999 seeking review of paragraph No.5 of the order dated 28-07-2018 issued by this Commission in O.P.No.1 of 2017 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 N. Sai Phanindra Kumar, learned counsel representing Sri Challa Gunaranjan, learned counsel for the petitioners and Sri P. Shiva Rao, learned Standing Counsel for the respondents are present.

Heard Sri N. Sai Phanindra Kumar, learned counsel representing Sri Challa Gunaranjan, learned counsel for the petitioners and Sri P. Shiva Rao, learned Standing Counsel for the respondents. The petitioners stated that they did not claim



the Generation Based Incentive (GBI) at any point of time and accordingly they submitted letters dated 14-04-2017 and 03-06-2017 to the Commission seeking their deletion as respondents in O.P.No.1 of 2017 on the file of this Commission. However, in the orders of the Commission dated 28-07-2018 in O.P.No.1 of 2017, it was stated at para 5 that the petitioners have claimed Accelerated Depreciation already and hence the subject matter of the petition is not applicable to them. The petitioners stated that they did not opt for Accelerated Depreciation benefit and even the Power Purchase Agreements entered into by the petitioners with the 1<sup>st</sup> respondent clearly stated that the tariff is without Accelerated Depreciation. Hence, they sought for a review of the order dated 28-07-2018 to remove the impression that they already claimed Accelerated Depreciation.

A thorough verification of the records in the main Original Petition and herein clearly disclosed the claims of the petitioners to be correct and a mistake apparent on the face of the record had occurred in the order dated 28-07-2018 in so far as these petitioners are concerned and it has to be corrected.

Therefore, in para 5 of the order in O.P.No.1 of 2017 dated 28-07-2018 rendered by this Commission, after the words "since they" and before the words "already claimed", the words (except the respondents 8, 9 and 39, who did not claim any Accelerated Depreciation benefit) shall be inserted and the Review Petition is allowed accordingly. This order be carried into effect by the office of the Commission in the original order. No costs.

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