

**Record of proceedings dated 24-09-2016**

O.P.No.50 of 2013 & I.A.No.26 of 2013

M/s. KCP Limited Vs APTRANSCO & SPDCL & 2 others

Petition u/s 86 (1) (f) of the Electricity Act, 2003 in relation to billing on reactive power surcharge on reactive power drawn by the petitioner's Mini-Hydel project under the amended and restated Power Wheeling & Purchase Agreement dt.17-03-1999

Interlocutory Application No. 26 of 2013, also filed by the petitioner for stay of collection of demand for reactive power surcharge and surcharge thereon under the APERC (Conduct of Business) Regulations, 1999

Sri S.V.S.S. Siva Ram, learned counsel representing 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 are present.

Orders pronounced (vide separate common order)

Therefore,--

- (a) The petitioners are declared liable to pay the surcharge on reactive power drawn by them from the grid of AP Transco along with belated payment surcharge as per the orders of Andhra Pradesh Electricity Regulatory Commission on tariffs from time to time for the periods upto three years before the respective dates of the first demand made against them for payment of such surcharge and belated payment surcharge and continue such payment up-to-date and beyond so long as they continue to draw such reactive power from the grid of AP Transco;
- (b) Any demands against the petitioners by the respondents for payment of such surcharge or belated payment surcharge for any period beyond three years from the respective dates of the first demand against them are declared to be unenforceable;
- (c) Any amounts already collected from the petitioners respectively towards such surcharge or belated payment surcharge for any such periods beyond three years from the respective dates of the first demand shall be adjusted towards the amounts payable for the subsequent periods;
- (d) The parties shall bear their own costs in these petitions;

(e) O.P.Nos.50/2013, 51/2014, 52/2014, 53/2014, 54/2014, 55/2014 and 58/2014 are ordered accordingly.

Sd/-  
MEMBER / PR

Sd/-  
CHAIRMAN

O.P.No.51 of 2014 & I.A.No.14 of 2014

M/s. Shree Jayalakshmi Powercorp Ltd Vs APTRANSCO & APSPDCL & 2 others

Petition filed under Section 86 (1) (f) of the Electricity Act, 2003 in relation to billing on reactive power surcharge on reactive power drawn by petitioner (Mini Hydel Power Plant) under Amended and Restated Power Wheeling & Purchase Agreement dt.03-09-1998 and the application for interim relief

Sri S.V.S.S. Siva Ram, learned counsel representing 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 are present.

Orders pronounced (vide separate common order)

Therefore,--

- (a) The petitioners are declared liable to pay the surcharge on reactive power drawn by them from the grid of AP Transco along with belated payment surcharge as per the orders of Andhra Pradesh Electricity Regulatory Commission on tariffs from time to time for the periods upto three years before the respective dates of the first demand made against them for payment of such surcharge and belated payment surcharge and continue such payment up-to-date and beyond so long as they continue to draw such reactive power from the grid of AP Transco;
- (b) Any demands against the petitioners by the respondents for payment of such surcharge or belated payment surcharge for any period beyond three years from the respective dates of the first demand against them are declared to be unenforceable;
- (c) Any amounts already collected from the petitioners respectively towards such surcharge or belated payment surcharge for any such periods beyond three years from the respective dates of the first demand shall be adjusted towards the amounts payable for the subsequent periods;

(d) The parties shall bear their own costs in these petitions;

(e) O.P.Nos.50/2013, 51/2014, 52/2014, 53/2014, 54/2014, 55/2014 and 58/2014 are ordered accordingly.

Sd/-  
MEMBER / PR

Sd/-  
CHAIRMAN

O.P.No.52 of 2014 & I.A.No.15 of 2014

M/s. Espar Pak Ltd Vs APTRANSCO & APSPDCL & 2 others

Petition filed under Section 86 (1) (f) of the Electricity Act, 2003 in relation to billing on reactive power surcharge on reactive power drawn by petitioner (Mini Hydel Power Plant) under Power Wheeling & Purchase Agreement dt.11-01-2000 and the application for interim relief

Sri S.V.S.S. Siva Ram, learned counsel representing 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 are present.

Orders pronounced (vide separate common order)

Therefore,--

- (a) The petitioners are declared liable to pay the surcharge on reactive power drawn by them from the grid of AP Transco along with belated payment surcharge as per the orders of Andhra Pradesh Electricity Regulatory Commission on tariffs from time to time for the periods upto three years before the respective dates of the first demand made against them for payment of such surcharge and belated payment surcharge and continue such payment up-to-date and beyond so long as they continue to draw such reactive power from the grid of AP Transco;
- (b) Any demands against the petitioners by the respondents for payment of such surcharge or belated payment surcharge for any period beyond three years from the respective dates of the first demand against them are declared to be unenforceable;

(c) Any amounts already collected from the petitioners respectively towards such surcharge or belated payment surcharge for any such periods beyond three years from the respective dates of the first demand shall be adjusted towards the amounts payable for the subsequent periods;

(d) The parties shall bear their own costs in these petitions;

(e) O.P.Nos.50/2013, 51/2014, 52/2014, 53/2014, 54/2014, 55/2014 and 58/2014 are ordered accordingly.

Sd/-  
MEMBER / PR

Sd/-  
CHAIRMAN

O.P.No.53 of 2014 & I.A.No.16 of 2014

M/s. Tirumala Cotton & Agro Pvt Ltd Vs APTRANSCO & APSPDCL & 2 others

Petition under Section 86 (1) (f) of the Electricity Act, 2003 in relation to billing on reactive power surcharge on reactive power drawn by petitioner (Mini Hydel Power Plant) under Amended and Restated Power Wheeling & Purchase Agreement dt.19-10-2000 and the application for interim relief

Sri S.V.S.S. Siva Ram, learned counsel representing 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 are present.

Orders pronounced (vide separate common order)

Therefore,--

(a) The petitioners are declared liable to pay the surcharge on reactive power drawn by them from the grid of AP Transco along with belated payment surcharge as per the orders of Andhra Pradesh Electricity Regulatory Commission on tariffs from time to time for the periods upto three years before the respective dates of the first demand made against them for payment of such surcharge and belated payment surcharge and continue such payment up-to-date and beyond so long as they continue to draw such reactive power from the grid of AP Transco;

(b) Any demands against the petitioners by the respondents for payment of such surcharge or belated payment surcharge for any period beyond three years from

the respective dates of the first demand against them are declared to be unenforceable;

(c) Any amounts already collected from the petitioners respectively towards such surcharge or belated payment surcharge for any such periods beyond three years from the respective dates of the first demand shall be adjusted towards the amounts payable for the subsequent periods;

(d) The parties shall bear their own costs in these petitions;

(e) O.P.Nos.50/2013, 51/2014, 52/2014, 53/2014, 54/2014, 55/2014 and 58/2014 are ordered accordingly.

Sd/-  
MEMBER / PR

Sd/-  
CHAIRMAN

O.P.No.54 of 2014 & I.A.No.17 of 2014

M/s. Akshay Profiles Pvt Ltd Vs APTRANSCO & APSPDCL & 2 others

Petition under Section 86 (1) (f) of the Electricity Act, 2003 in relation to billing on reactive power surcharge on reactive power drawn by petitioner (Mini Hydel Power Plant) under Power Purchase & Wheeling Agreement dt.11-01-2000 and the application for interim relief

Sri S.V.S.S. Siva Ram, learned counsel representing 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 are present.

Orders pronounced (vide separate common order)

Therefore,--

(a) The petitioners are declared liable to pay the surcharge on reactive power drawn by them from the grid of AP Transco along with belated payment surcharge as per the orders of Andhra Pradesh Electricity Regulatory Commission on tariffs from time to time for the periods upto three years before the respective dates of the first demand made against them for payment of such surcharge and belated payment surcharge and continue such payment up-to-date and beyond so long as they continue to draw such reactive power from the grid of AP Transco;

- (b) Any demands against the petitioners by the respondents for payment of such surcharge or belated payment surcharge for any period beyond three years from the respective dates of the first demand against them are declared to be unenforceable;
- (c) Any amounts already collected from the petitioners respectively towards such surcharge or belated payment surcharge for any such periods beyond three years from the respective dates of the first demand shall be adjusted towards the amounts payable for the subsequent periods;
- (d) The parties shall bear their own costs in these petitions;
- (e) O.P.Nos.50/2013, 51/2014, 52/2014, 53/2014, 54/2014, 55/2014 and 58/2014 are ordered accordingly.

Sd/-  
MEMBER / PR

Sd/-  
CHAIRMAN

O.P.No.55 of 2014 & I.A.No.1 of 2015

M/s. RPP Ltd Vs APSPDCL

Petition under Section 86 (1) (f) of the Electricity Act, 2003 seeking dispute with regard to the demands for surcharge for reactive energy and delayed payment surcharge thereon in respect of Mini Hydel Power Plant of the petitioner

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

Orders pronounced (vide separate common order)

Therefore,--

- (a) The petitioners are declared liable to pay the surcharge on reactive power drawn by them from the grid of AP Transco along with belated payment surcharge as per the orders of Andhra Pradesh Electricity Regulatory Commission on tariffs from time to time for the periods upto three years before the respective dates of the first demand made against them for payment of such surcharge and belated payment surcharge and continue such payment up-to-date and beyond so long as they continue to draw such reactive power from the grid of AP Transco;

- (b) Any demands against the petitioners by the respondents for payment of such surcharge or belated payment surcharge for any period beyond three years from the respective dates of the first demand against them are declared to be unenforceable;
- (c) Any amounts already collected from the petitioners respectively towards such surcharge or belated payment surcharge for any such periods beyond three years from the respective dates of the first demand shall be adjusted towards the amounts payable for the subsequent periods;
- (d) The parties shall bear their own costs in these petitions;
- (e) O.P.Nos.50/2013, 51/2014, 52/2014, 53/2014, 54/2014, 55/2014 and 58/2014 are ordered accordingly.

Sd/-  
MEMBER / PR

Sd/-  
CHAIRMAN

O.P.No.58 of 2014 & I.A.No.18 of 2014

M/s. Sri Dhanalakshmi Cotton & Rice Mills Pvt Ltd Vs APTRANSCO & APSPDCL & 2 others

Petition under Section 86 (1) (f) of the Electricity Act, 2003 in relation to billing on reactive power surcharge on reactive power drawn by petitioner (Mini Hydel Power Plant) under Amended and Restated Power Wheeling & Purchase Agreement dt.25-07-1998 and the application for interim relief

Sri S.V.S.S. Siva Ram, learned counsel representing 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 are present.

Orders pronounced (vide separate common order)

Therefore,--

- (a) The petitioners are declared liable to pay the surcharge on reactive power drawn by them from the grid of AP Transco along with belated payment surcharge as per the orders of Andhra Pradesh Electricity Regulatory Commission on tariffs from time to time for the periods upto three years before the respective dates of the first demand made against them for payment of such surcharge and belated

payment surcharge and continue such payment up-to-date and beyond so long as they continue to draw such reactive power from the grid of AP Transco;

- (b) Any demands against the petitioners by the respondents for payment of such surcharge or belated payment surcharge for any period beyond three years from the respective dates of the first demand against them are declared to be unenforceable;
- (c) Any amounts already collected from the petitioners respectively towards such surcharge or belated payment surcharge for any such periods beyond three years from the respective dates of the first demand shall be adjusted towards the amounts payable for the subsequent periods;
- (d) The parties shall bear their own costs in these petitions;
- (e) O.P.Nos.50/2013, 51/2014, 52/2014, 53/2014, 54/2014, 55/2014 and 58/2014 are ordered accordingly.

Sd/-  
MEMBER / PR

Sd/-  
CHAIRMAN

O.P.No.32 of 2015  
M/s. ITC Ltd Vs APTRANSCO & APSLDC

Petition under Sections 62(6), 142 & 146 of the Electricity Act, 2003 for recovery of transmission charges collected contrary to Transmission Tariff Order dated 09-05-2015 and interest thereon

Sri K. Gopal Choudary, Advocate for the petitioner and Sri G.V. Brahmananda Rao, learned counsel representing Sri P. Shiva Rao, learned Standing Counsel for the respondents are present.

Sri G.V. Brahmananda Rao, learned counsel representing Sri P. Shiva Rao, learned Standing Counsel for the respondents submitted that they are awaiting a reply from the petitioner to a letter addressed by them. Sri K. Gopal Choudary, learned counsel for the



petitioner stated that there were no further instructions on this aspect from the petitioner.

The respondents shall, by the next date of hearing either report to this Commission the result of any negotiations which they reported on the last date of hearing or proceed with their reply to the arguments of the learned counsel for the petitioner. Hence, posted to 05-11-2016.

Call on:

05-11-2016  
at 11:00 AM

Sd/-  
MEMBER / PR

Sd/-  
CHAIRMAN

Indian Wind Power Association Vs APTRANSCO, APEPDCL, APSPDCL and  
NREDCAP

Petition filed by the above mentioned petitioner u/s 86 (1) (e) (f) of the Electricity Act, 2003 r/w Section 11 of Andhra Pradesh Electricity Reform Act, 1998 is in relation to billing of auxiliary power drawn by wind turbines from grid.

Hearing on maintainability of the petition

Sri S.V.S.S. Siva Ram, learned counsel representing Sri Challa Gunaranjan, learned counsel for the petitioner is present.

At request due to personal inconvenience of Sri Challa Gunaranjan, learned counsel for the petitioner, matter is posted to 01-10-2016 at 03:00 PM.

Call on:

01-10-2016  
at 03:00 PM

Sd/-  
MEMBER / PR

Sd/-  
CHAIRMAN

O.P.No.36 of 2014

GMR Vemagiri Power Generation Ltd Vs APPCC, APTRANSCO & 4 DISCOMs

Restored the matter vide orders dt.19-12-2015 passed by the Commission in I.A. No.11 of 2015 in O.P.No.26 of 2012

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

At request of Sri Kalyana Chakravarthy on behalf of the petitioner for reporting the result of reconciliation being attempted by the parties, posted to 01-10-2016 at 03:00 PM.

Call on:

01-10-2016  
at 03:00 PM

Sd/-  
MEMBER / PR

Sd/-  
CHAIRMAN

Public hearing on 24-09-2016 in the matter of allocating inflated demand by the Andhra Pradesh Gas Power Corporation Ltd (APGPCL) to its shareholders.

Sri G.V. Brahmananda Rao, learned counsel representing Sri P. Shiva Rao, learned Standing Counsel for AP Transco, APSPDCL and APEPDCL and Sri S.V.S.S. Siva Ram, learned counsel representing Sri Challa Gunaranjan, learned counsel for (i) Sree Akkamamba Textiles Ltd., (ii) India Cements Ltd., Sri K. Gopal Choudary, Advocate for (i) International Paper APPM Ltd., (ii) The Andhra Sugars Ltd., (iii) The Andhra Petrochemicals Ltd., (iv) Hindustan Zinc Ltd., (Vedanta), (v) Precot Meridian Ltd., (vi) LG Polymers India Pvt. Ltd., & (vii) Sree Dhanalakshmi Cotton & Rice Mills Pvt. Ltd., are present.

A letter is received from the Standing Counsel of the Commission stating that W.P.No.24594/2011 was disposed of by the Hon'ble High Court in terms of the order dated 06-04-2016 made in W.P.No.14565/2010 and the Hon'ble High Court was stated to have granted four weeks time to the petitioner to file its response before the Commission. There is no representation for APGPCL today. Hence for filing the response of APGPCL before this Commission within the time granted by the Hon'ble High Court with notice to the learned Standing Counsel for Transmission and Distribution licensees and both the learned counsel for the objectors and their responses, the matter is posted to 22-10-2016.

Call on:

22-10-2016  
at 11:00 AM

Sd/-  
MEMBER / PR

Sd/-  
CHAIRMAN

Public hearing on 24-09-2016 in respect of the petition filed by M/s.REI Power Bazaar Pvt. Ltd., under Section 86 (1) (k) r/w Section 66 of the Electricity Act, 2003 seeking permission for setting up and operation of intra-state power market in the State of Andhra Pradesh. Public hearing on the maintainability of the said petition in the absence of any regulation relating to development of market in power.

Sri M. Abhinav Reddy, Advocate representing Sri P. Vikram, learned counsel for M/s. REI Power Bazaar Pvt. Ltd., Sri Aditya, representing Indian Energy Exchange (IEX) and Sri G.V. Brahmananda Rao, learned counsel representing Sri P. Shiva Rao, learned Standing Counsel for AP Transco are present.

Affidavits in reply to the objections of Indian Energy Exchange (IEX) and AP Transco are filed and at request on behalf of the learned counsel for the petitioner, the matter is posted for hearing to 19-11-2016. No objector is present except Sri G.V. Brahmananda Rao, learned counsel representing Sri P. Shiva Rao, learned Standing Counsel for AP Transco and Sri Aditya representing Indian Energy Exchange.

Call on:

19-11-2016  
at 11:00 AM

Sd/-  
MEMBER / PR

Sd/-  
CHAIRMAN