

**Record of proceedings dated 01-07-2017**

I.A. No. 8 of 2017 in O.P. Nos.28 & 29 of 2016

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

Public hearing on Petition u/s 62 (4), 86 (1) (b) of the Electricity Act, 2003 r/w Regulation 55 of the APERC (Conduct of Business) Regulations, 1999 seeking permission to procure power from respondents

Sri P. Shiva Rao, learned Standing Counsel for the petitioner and Sri Challa Gunaranjan, learned counsel for M/s. Lanco Kondapalli Power Private Limited and Sri M. Venugopala Rao, Sri R. Shiv Kumar representing A.P. Spinning Mills Association and Dr. S. Chandra Mouli representing APSEB Engineers' Association are present.

Sri Challa Gunaranjan, learned counsel entered appearance for M/s. Lanco Kondapalli Power Private Limited. There is no representation for M/s. Spectrum Power Generation Limited. The petitioners filed their responses to the objections filed by Sri M. Venugopala Rao, Sri Penumalli Madhu, Sri A. Punna Rao, Sri Ch. Narasinga Rao and Sri B. Tulasi Das. Objections are filed by A.P. Spinning Mills Association represented by Sri R. Shiv Kumar and APSEB Engineers' Association represented by Dr. S. Chandra Mouli. Sri P. Shiva Rao, learned Standing Counsel for the petitioners sought for time for filing the response of the petitioners to these two objections. Sri Challa Gunaranjan, learned counsel for M/s. Lanco Kondapalli Power Private Limited stated that his client consents to the grant of reliefs prayed for in the petition. Hence, posted for response of the petitioners to the two objections to 22-07-2017.

Call on:

22-07-2017  
at 11:00 AM

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I.A. No. 9 of 2017 in O.P. Nos. 28 & 29 of 2016  
APSPDCL & APEPDCL Vs. ---

Public hearing on Petition filed u/s 62 (4) of the Electricity Act, 2003 r/w Regulation 55 of the APERC (Conduct of Business) Regulations, 1999 seeking amendment of the Retail Supply Tariff Order dated 31-03-2017 by way of revision of amount of Power Purchase Cost pertaining to M/s. Thermal Powertech Corporation India Ltd (TPCIL) and M/s. KSK Mahanadi Power Company Ltd (KSK) including PGCIL charges, for said generators and also permit APDISCOMs to furnish correct figures of fixed cost, variable cost and per unit cost of M/s. KSK Mahanadi Power Company Ltd and to grant approval.

Sri P. Shiva Rao, learned Standing Counsel for the petitioners, Sri Anand K Ganesan, learned counsel representing M/s. KSK Mahanadi Power Company Limited, Sri Mahesh Kumar, Senior Manager (Commercial) representing M/s. Thermal Powertech Corporation India Limited and Sri M. Venugopala Rao, learned objector are present.

Sri Anand K Ganesan, learned counsel appeared for M/s. KSK Mahanadi Power Company Limited and Sri Mahesh Kumar, Senior Manager (Commercial) of M/s. Thermal Powertech Corporation India Limited appeared for his company. Sri M. Venugopala Rao, Senior Journalist & Convenor, Centre for Power Studies filed his objections. No other objectors or stakeholders are present. Both the power generators involved already filed their written submissions. For response of the petitioners and both generators to the objections filed by Sri M. Venugopala Rao, the matter is posted to 22-07-2017.

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Public hearing on Load Forecasts, Resource Plans, Investment Plans and State Electricity Plan

Sri K. Gopal Choudary, learned counsel, Sri P. Shiva Rao, learned Standing Counsel for AP Transco / APSPDCL / APEPDCL, Sri P. Ravi Charan, learned counsel representing M/s. Hinduja National Power Corporation Limited, Sri M. Venugopala Rao, Senior Journalist & Convenor, Centre for Power Studies and Sri Vivek Sharma, Senior Director, CRISIL Risk & Infrastructure Solutions Limited are present.

Sri M. Venugopala Rao, Sri P. Ravi Charan representing M/s. HNPCCL are present. Other objectors are not present. CRISIL filed their comments in the matter. Sri K. Gopal Choudary, learned counsel, who is requested by the Commission to assist the Commission in the matter be served with copies of all the objections by the office of the Commission. Sri K. Gopal Choudary, learned counsel pointed out that the projections made in the different plans submitted by the distribution companies and the transmission corporation are not complementary to each other and are presenting many areas of divergence. Sri P. Shiva Rao, learned Standing Counsel is requested to have a comprehensive relook by the utilities into the entire issue and report to the Commission by the next date of hearing. Both the distribution companies sought for further time for submission of detailed business plans as required by the regulations. Hence, the matter is posted for filing the business plans as per the regulations and for further hearing to 29-07-2017.

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at 11:00 AM

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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 the licensee, Sri I.V. Siddhivardhana, learned counsel for M/s. Meenakshi Energy Limited (implead petitioner) and Sri M. Venugopala Rao, Senior Journalist & Convenor, Centre for Power Studies, learned objector are present.

Sri I.V. Siddhivardhana, learned counsel for M/s. Meenakshi Energy Limited filed a memo stating that W.A.No.835 of 2017 filed by them is coming up for hearing before their Lordships of the Division Bench of the Hon'ble High Court on 05-07-2017. Sri K. Gopal Choudary, learned counsel for M/s. Simhapuri Energy Limited filed his response to the objections including a reference made to some articles. Sri K. Gopal Choudary and Sri P. Shiva Rao submitted that they have no further responses to the objections already filed. Hence, the matter is posted for hearing to 15-07-2017.

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O.P. No. 30 of 2016  
M/s. SIFLON Drugs Vs. APTRANSCO, APSPDCL & NREDCAP

Petition under Section 86 (1) (f) of the Electricity Act, 2003 read with Regulation 8 of APERC (Conduct of Business) Regulations 1999 and seeking directions for giving credit of the wind power units amounting to 1.2 million by banking the units for the period between 23-03-2015 to 14-06-2016

Sri S.V.S. Chowdary, learned counsel for the petitioner and P. Shiva Rao, learned Standard Counsel for the respondents are present.

Sri S.V.S. Chowdary, learned counsel for the petitioner represented that rejoinder will be filed during the course of the day. Hence the matter is posted for hearing to 22-07-2017.

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at 11:00 AM

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O.P. No. 13 of 2017

M/s. Ravali Spinners Pvt Ltd Vs. APTRANSCO

Petition u/s 86 (1) (f) of the Electricity Act, 2003 r/w APERC (Conduct of Business) Regulations, 1999 challenging levy of Transmission Charges on account of wheeling the power from its wind power plants for captive consumption

Sri T. Vizhay Babu, Sri Challa Gunaranjan, learned counsel for the petitioner and P. Shiva Rao, learned Standard Counsel for the respondent are present.

At request of the learned counsel for both parties, the matter is posted to 15-07-2017.

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E.P. No. 1 of 2017 in Appeal No. 228 of 2012 (Before the Hon'ble ATE)  
M/s. SNJ Sugars and Products Ltd Vs. APTRANSCO & 3 others

Petition filed by M/s. SNJ Sugars and Products Ltd u/s 120 (3) of the Electricity Act, 2003 for execution of the Hon'ble Appellate Tribunal for Electricity (ATE) judgment and order dt. 04-02-2013 was disposed by ATE, vide its order dt.31-05-2017 passed in E.P. No. 1 of 2017 in Appeal No. 228 of 2012. While disposing the execution petition, the ATE remanded the matter to the Commission only for the purpose of calculating the amount due to the petitioner as per the judgment of the ATE dt.04-02-2013, which exercise shall be completed after hearing the parties within a period of two months from the date of receipt of the said order

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

Sri Challa Gunaranjan, learned counsel for the petitioner filed a statement of detailed calculation of the amount due along with enclosures and Sri P. Shiva Rao, learned Standing Counsel for the respondents sought for a short time to file the calculation of the respondents and response to the calculation filed by the petitioner. Hence, the respondents shall file their calculation and the response to the calculation of the petitioner before the Commission on or before 07-07-2017 (Friday) and serve a copy of the same on the learned counsel for the petitioner. The petitioner shall file its reply, if any, to the calculation of the respondents on or before 15-07-2017. For hearing, the matter is posted to 15-07-2017.

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Power cost reimbursement to Ferro Alloy Industry – Non-compliance of Commission's Directions

Sri Solomon Arokia Raj, IAS, Secretary to Government of Andhra Pradesh, Industries & Commerce Department is present.

Sri Solomon Arokia Raj, IAS, Secretary to Government of Andhra Pradesh, Industries & Commerce Department is present and stated that all the procedural formalities have been completed and Finance Department of the State Government has authorized to release the necessary budget and sought for two weeks time to report the payment in compliance with the directions of the Commission. Therefore, the matter is posted to 15-07-2017. Personal presence of the Secretary to Government of Andhra Pradesh, Industries & Commerce Department is dispensed with. However, compliance shall be reported through a responsible officer of the department on the next date of hearing.

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O.P. No. 27 of 2016  
Shri Girija Alloy & Power (I) Ltd Vs. APTRANSCO & APEPDCL

Petition under Section 86 (1) (f) r/w Section 46 of the Electricity Act, 2003 seeking directions to refund the excess of development charges paid i.e., Rs.3,12,60,226/- with subsequent interest at 18%

Sri O. Manohar Reddy, learned counsel for the petitioner and P. Shiva Rao, learned Standard Counsel for the respondents are present.

Sri O. Manohar Reddy, learned counsel for the petitioner submitted his arguments. For reply by Sri P. Shiva Rao, learned Standing Counsel for the respondents, the matter is posted to 22-07-2017.

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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 N. Satyanarayana, learned counsel representing Sri P. Vikram, learned counsel for the respondent are present.

At request of Sri N. Satyanarayana, learned counsel on behalf of respondent, the matter is posted for hearing to 29-07-2017.

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29-07-2017  
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I.A. No. 7 of 2017 in O.P. Nos.1 & 2 of 2013  
M/s. Andhra Pradesh Ferro Alloys Producers Association & 12 others Vs. APEPDCL &  
APSPDCL

Petition under Section 62 r/w 86 of the Electricity Act, 2003 for revisiting of the conditions stipulated in the Retail Supply Tariff Order for the FY 2014-15 for the Category of HT-1 (b) consumers.

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

At request of the learned Standing Counsel for the respondents, time extended for counter till 15-07-2017.

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O.P.No. 31 of 2016  
M/s. Rain Cements Ltd APSLDC & APSPDCL

Petition under Section 86 (1) (e) of the Electricity Act, 2003 r/w clause 9 of Regulation 1 of 2012 for exempting the petitioner from the Renewable Power Purchase Obligation under Regulation 1 of 2012

Sri T. Vizhay Babu, Sri Challa Gunaranjan, learned counsel for the petitioner and Sri. P. Shiva Rao, learned Standing Counsel for the respondents are present.

Orders pronounced (vide separate order)

“14. In the result, the petition is allowed and the petitioner shall stand exempted from Renewable Power Purchase Obligation under Regulation 1 of 2012 of this Commission as prayed for. The parties shall bear their own costs”.

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O.P. No. 3 of 2017

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

Petition u/s 86 (1) (f) of the Electricity Act, 2003 r/w APERC (Conduct of Business) Regulations, 1999 challenging levy of Transmission Charges & Wheeling Charges on account of wheeling the power from its wind power plants for captive consumption

Sri T. Vizhay Babu, Sri Challa Gunaranjan, learned counsel for the petitioner and Sri. P. Shiva Rao, learned Standing Counsel for the respondents are present.

At request of the learned counsel for both parties for getting instructions and for hearing, the matter is posted to 15-07-2017.

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O.P. No. 21 of 2017

M/s. Orange Uravakonda Wind Power Pvt. Ltd Vs APSPDCL & 2 others

Petition under Section 86 (1) (f) of the Electricity Act, 2003 r/w APERC (Conduct of Business) Regulations, 1999 requesting the Commission for direction to the respondents to open Irrevocable Letter of Credit and payment of amounts deducted towards 2% rebate from monthly power bills; for payment of interest on delayed payment in terms PPAs

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

At request of Sri P. Shiva Rao, learned Standing Counsel for the respondents, time extended for counter finally to 22-07-2017.

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at 11:00 AM

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O.P. No. 22 of 2017  
M/s. Khandke Wind Energy Pvt. Ltd Vs APSPDCL & 2 others

Petition under Section 86 (1) (f) of the Electricity Act, 2003 r/w APERC (Conduct of Business) Regulations, 1999 requesting the Commission for direction to the respondents to pay amounts wrongfully deducted towards rebate from monthly power bills; for payment of interest on delayed payment in terms PPAs., and to open Irrevocable Letter of Credit

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

At request of Sri P. Shiva Rao, learned Standing Counsel for the respondents, time extended for counter finally to 22-07-2017.

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O.P. No. 23 of 2017  
M/s. Orange Anantapur Wind Power Pvt. Ltd Vs APSPDCL & 2 others

Petition under Section 86 (1) (f) of the Electricity Act, 2003 r/w APERC (Conduct of Business) Regulations, 1999 requesting the Commission for direction to the respondents to open Irrevocable Letter of Credit; for payment of amounts deducted towards 2% rebate from monthly power bills and for payment of interest on delayed payment in terms PPAs

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

At request of Sri P. Shiva Rao, learned Standing Counsel for the respondents, time extended for counter finally to 22-07-2017.

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O.P. No. 24 of 2017  
M/s. Tadas Wind Energy Pvt. Ltd Vs APSPDCL & 2 others

Petition under Section 86 (1) (f) of the Electricity Act, 2003 r/w APERC (Conduct of Business) Regulations, 1999 requesting the Commission for direction to the respondents to pay amounts wrongfully deducted towards rebate from monthly power bills; for payment of interest on delayed payment in terms PPAs., and to open Irrevocable Letter of Credit

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

At request of Sri P. Shiva Rao, learned Standing Counsel for the respondents, time extended for counter finally to 22-07-2017.

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O.P. No. 25 of 2017  
M/s. Mytrah Vayu (Pennar) Pvt. Ltd Vs APSPDCL & 2 others

Petition under Section 86 (1) (f) of the Electricity Act, 2003 r/w APERC (Conduct of Business) Regulations, 1999 requesting the Commission for direction to the respondents to open Irrevocable Letter of Credit; payment of amounts deducted towards 1% rebate from monthly power bills and for payment of interest on delayed payment in terms PPAs

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

At request of Sri P. Shiva Rao, learned Standing Counsel for the respondents, time extended for counter finally to 22-07-2017.

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O.P. No. 26 of 2017  
M/s. Mytrah Vayu (Krishna) Pvt. Ltd Vs APSPDCL & 2 others

Petition under Section 86 (1) (f) of the Electricity Act, 2003 r/w APERC (Conduct of Business) Regulations, 1999 requesting the Commission for direction to the respondents to open Irrevocable Letter of Credit; payment of amounts deducted towards 1% rebate from monthly power bills and for payment of interest on delayed payment in terms PPAs

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

At request of Sri P. Shiva Rao, learned Standing Counsel for the respondents, time extended for counter finally to 22-07-2017.

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O.P. No. 27 of 2017  
M/s. Mytrah Vayu (Indravati) Pvt. Ltd Vs APSPDCL & 2 others

Petition under Section 86 (1) (f) of the Electricity Act, 2003 r/w APERC (Conduct of Business) Regulations, 1999 requesting the Commission for direction to the respondents to open Irrevocable Letter of Credit; payment of amounts deducted towards 2% rebate from monthly power bills and for payment of interest on delayed payment in terms PPAs

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

At request of Sri P. Shiva Rao, learned Standing Counsel for the respondents, time extended for counter finally to 22-07-2017.

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O.P. No. 4 of 2017  
APEPDCL Vs M/s. Srivathsa Power Projects Ltd

Petition filed under Section 86 (1) (b) & (f) of the Electricity Act, 2003 to amend the Article 2.4 of the PPA subsisting with the respondent

Sri P. Shiva Rao, learned Standing Counsel for the petitioner and Ms. Rashmi G. Kamath, representing Indus Law Firm, learned counsel for the respondent are present.

Orders pronounced (vide separate order)

“8. Under such circumstances, the petition and the relief claimed therein do not appear tenable under law and they have to fail. However, the result of this petition will not affect the liberty of the parties to enter into such or any other agreement relating to the subject matter of this petition on their own volition and free will. This order is not an adjudication on the truth or otherwise of the respondent drawing imported energy towards auxiliary consumption nor does it indulge in quantification of such imported energy consumed or its value. If the petitioner is so entitled under law otherwise, it is at liberty to seek any appropriate remedies as per law for recovery of the value of any imported energy consumed by the respondent beyond and independent of the terms and conditions of the Power Purchase Agreement between the parties.

9. Therefore, the petition is dismissed subject to the above observations. The parties shall bear their own costs”.

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