

Record of proceedings dated 13-12-2017

Public hearing in the matter of 41 Nos. PPAs entered by APSPDCL with various wind power developers upto end of FY 2016-17

Sri P. Shiva Rao, learned Standing Counsel for the Southern Power Distribution Company of Andhra Pradesh Limited (APSPDCL) is present.

Orders pronounced (vide separate orders)

- “63.** The present consideration has to be ordered in tune with the above conclusions. Accordingly,--
- a) the subject Power Purchase Agreements are regulated by the Commission as having its consent and are taken on record;
 - b) these Power Purchase Agreements and the parties thereto shall be bound by the legal consequences that may flow concerning each of them from the orders that may be passed or the directions that may be given in O.P.No.1 of 2017 and O.P.No.5 of 2017 on the file of this Commission;
 - c) any and all incentives/conditions envisaged in the Articles of the Power Purchase Agreements are subject to modification from time to time as per the directions of the Andhra Pradesh Electricity Regulatory Commission as agreed under Article 7 of the Power Purchase Agreements;
 - d) any modification of the Power Purchase Agreements shall be of force and effect only when it is in writing and signed by the duly authorized representatives of the wind power producers and the distribution companies, subject to the condition that any further

modification of the agreements shall be done only with the prior approval of the Andhra Pradesh Electricity Regulatory Commission as envisaged under Article 11.2 of the Power Purchase Agreements. The parties to these Power Purchase Agreements are at liberty to come to an agreement regarding any modification or amendment of any terms and conditions on voluntary negotiations between themselves in this regard and approach the Commission to give effect to such agreements in the manner provided by the Power Purchase Agreements;

- e) the terms and conditions of the Power Purchase Agreements are subject to the provisions of the Electricity Act, 2003 and amendments made to it from time to time and also subject to Regulation by the Andhra Pradesh Electricity Regulatory Commission as stipulated at item No.5 of the preamble to the Power Purchase Agreements and the amendments to the Power Purchase Agreements as per the respective orders of the Andhra Pradesh Electricity Regulatory Commission shall be carried out from time to time as stipulated by Article 11.2 of the Power Purchase Agreements;
- f) the distribution companies are at liberty to invoke the enabling Articles in the Power Purchase Agreements for any modification or amendment to the relevant terms and conditions dependent on the Capacity Utilization Factor, capital cost, depreciation, interest, return on equity and the like and to approach the Commission for appropriate reliefs and any such requests will be considered on

merits in accordance with law, with notice to and a reasonable opportunity of hearing to the other parties to the respective Power Purchase Agreements;

g) the rights and obligations of the parties under the Power Purchase Agreements shall be subject to change in law i.e., any change in statutes or rules or regulations governing these Power Purchase Agreements;

h) both the distribution companies in the State of Andhra Pradesh are hereby directed not to enter into any fresh Power Purchase Agreements with any power developer using any source or fuel for power generation, without prior intimation to and permission from the Commission until further orders from the Commission depending upon any change of circumstances or exigencies of the power sector in the State”.

Sd/-
MEMBER/PRM

Sd/-
MEMBER/PR

Sd/-
CHAIRMAN

O.P. No.36 of 2017

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

Petition under Section 86 (1) (f) of the Electricity Act, 2003 r/w Article 10.4 of the Power Purchase Agreement dated 31-05-2016 entered between the parties in relation to non-acceptance of monthly invoices and non-payment for supply of electricity from 100.8 MW capacity wind power project of the petitioner at Belugappa in Anantapur District

Sri D.S. Siva Darshan, Advocate representing Sri Avinash Desai, Advocate & Sri S. Niranjan Reddy, Senior Advocate for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the respondent are present.

Time extended at request of Sri P. Shiva Rao, learned Standing Counsel for the respondent for compliance with the interim orders till 16-12-2017.

Call on: 16-12-2017
at 11:00 AM

Sd/-
MEMBER/PRM

Sd/-
MEMBER/PR

Sd/-
CHAIRMAN

O.P. No.50 of 2017 & I.A. No. 24 of 2017

M/s. Axis Wind Farms (Anantapur) Private Ltd Vs. APSPDCL & APPCC / APTRANSCO

Petition under Section 86(1) (f) of the Electricity Act, 2003 r/w Conduct of Business Regulations, for issuing directions to the respondents to release the payment forthwith for the power supplied to them pursuant to the PPA's dated 30.11.2016.

Application for interim directions under Section 151 of the Code of Civil Procedure, 1908

Sri Deepak Choudary, Advocate representing Sri S.V.S. Choudary, 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, the matter is posted to 16-12-2017.

Call on: 16-12-2017
at 11:00 AM

Sd/-
MEMBER/PRM

Sd/-
MEMBER/PR

Sd/-
CHAIRMAN