

SR.No. 122/2013

BEFORE THE ANDHRA PRADESH ELECTRICITY REGULATORY COMMISSION
AT HYDERABAD

I. A. No. **36** Of 2013
in

O.P. No. 15 of 2009

In the Matter of:

Application for determination of tariff for FY 2009 – 2014 for APGENCO under section 62 of the Electricity Act, 2003.

In the Matter of:

Andhra Pradesh Power Generation Corporation Ltd.,
Vidyut Soudha, Hyderabad 500082.

Petitioner

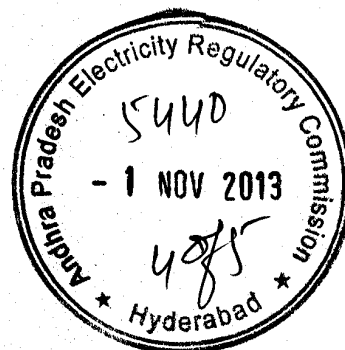
AND

1. Central Power Distribution Company of Andhra Pradesh Ltd., Corporate Office, Mint Compound, Hyderabad
2. Eastern Power Distribution Company of Andhra Pradesh Ltd., P&T colony, Seethammadhara, Visakhapatnam 530013
3. Northern Power Distribution Company of Andhra Pradesh Ltd., 1-1-478 & 503, Chaitanyapuri, Kazipet, Warangal 506004
4. Southern Power Distribution Company of Andhra Pradesh Ltd., Behind Srinivasa Kalyana Mandapam, Tiruchanoor Road, Kesvayana Gunta, Tirupati 517501

Respondents

PETITION U/S 94(2) OF THE ELECTRICITY ACT, 2003

1. The Petitioner herein has filed an application for the determination of tariff for the supply of electricity to the Distribution Licensees in Andhra Pradesh during the financial years 2009-2014 under section 62 of the Electricity Act, 2003. The said application was filed before the Hon'ble Commission on 4.2.2009 under O.P. No.15 of 2009.
2. As per the Retail Supply Tariff order dated 30.3.2013 passed by the Hon'ble Commission against O.P. Nos. 01 of 2013 to O.P. 04 of 2013 filed by DISCOMS in respect of the Annual Revenue Requirements and the Distribution and Retail Supply Tariffs of the Distribution Licensees in ANNEXURE- H (relevant columns extracted below) at page 265, the Hon'ble Commission has provided for total fixed costs of the Petitioner at Rs. 5308.87 crores for 2013-2014.



APGENCO'S STATION-WISE FIXED CHARGES FOR FY 2013-14

(APPROVED BY APERC)

(Rs In Crs)

S.No	Station	Capacity (MW)	Cost elements(Rs. Crs)				Total (Rs. Crs)
			Fixed	Incentive	Income Tax	Others	
	APGENCO						
	THERMAL						
1	VTPS I	420	160.55	8.39	8.33	0	177.27
2	VTPS II	420	160.55	8.39	8.33	0	177.27
3	VTPS III	420	160.55	8.39	8.33	0	177.27
4	VTPS IV	500	503.43	10.13	10.05	0	523.61
5	RTPP I	420	221.74	8.37	8.3	0	238.41
6	RTPP II	420	407.67	8.37	8.3	0	424.24
7	RTPP III	210	309.14	4.19	4.15	0	317.48
8	KTPS A	240	121.08	6.17	4.71	0	131.96
9	KTPS B	240	121.08	6.17	4.71	0	131.96
10	KTPS C	240	121.08	6.17	4.71	0	131.96
11	KTPS D	500	218.97	9.96	9.89	0	238.82
12	KTPS Stage VI	500	571.71	10.13	10.05	0	591.89
13	RTS-B	62.5	52.75	1.62	1.24	0	55.60
14	KTPP I	500	662.03	10.13	10.05	0	682.21
15	KTPP II	600	0	0	0	0	0
16	DSTPP-1	800	302.49	0	13.54	0	316.03
	TOTAL THERMAL	6492.5	4094.71	106.59	114.67	0	4315.97
	HYDEL						
17	MACHKUND PH AP Share	84	15.16	0	0.82	0	15.98
18	TUNGBHADRA PH AP Share	57.6	10.4	0	0.35	0	10.75
19	Upper Sileru (USR) PH	240	44.53	0	1.07	0	45.6
20	Lower Sileru (LSR) PH	460	85.36	0	2.62	0	87.98
21	DONKARAYI	25	4.64	0	0.23	0	4.87
22	SSLM Right Bank PH	770	156.43	0	3.29	0	159.72
23	Nagarjuna Sagar PH (NSPH)	815.6	134.85	0	2.94	0	137.79
24	NSRCPH	90	14.88	0	0.36	0	15.24
25	NSLCPH	60	9.92	0	0.17	0	10.09
26	POCHAMPAD PH (Small Hydel)	27	17.63	0	0.18	0	17.81
27	NIZAMSAGAR PH (Small Hydel)	10	4.69	0	0.03	0	4.72
28	PABM (Small Hydel)	20	9.38	0	0.02	0	9.4
29	Mini Hydro&others	14.16	5.7	0	0.03	0	5.73
30	SINGUR(Small Hydel)	15	8.51	0	0.02	0	8.53
31	SSLM Left Bank PH	900	502.22	0	3.97	0	506.19
32	Priyadarshini Jurata H.E. Project- AP Share	234	123.78	0	0.69	0	124.47
33	Lower Jurata H.E. Project		66.09	0	0.55	0	66.64
34	Pochampad – IV (New project)	9	0	0	0	0	0
	TOTAL HYDRO	3831.36	1214.16	0	17.33	0	1231.49
	TOTAL APGENCO	10323.86	5308.87	106.59	132	0	5547.46

3. The Hon'ble Commission has further provided for an amount of Rs. 132.00 crores towards income tax and others (Annexure H at Page 265 of the order dated 30.3.2013). The amount of income tax to the extent of Rs. 132.00 crores is to be released according to the statutory schedule for the payments of advance tax. The provision for incentive for an amount of Rs 106.59 Crs is also made to claim on the basis of actual generation.
4. As per the aforesaid tariff order dated 30-3-2013, at pages 262 & 263, the Commission has provided for the variable costs of various thermal stations, for claiming every month; however subject to adjustment for the actual values of gross calorific value of fuel and landed cost of fuel for every quarter.
5. It is submitted that the amounts stated above and prayed for herein below in this application have been allowed as a pass through to the consumers and are being recovered by the Respondents under the Respondents' retail supply tariff. It is therefore only just and equitable that the Petitioner be allowed to claim, and be paid, the said amounts from the Respondents till the disposal of the pending tariff determination petitions. It is also necessary that the Petitioner be provided with a legal basis for the claim and recovery of fixed, variable and other costs and amounts pending disposal of the pending tariff determination petition.
6. It is submitted that, in like circumstances for the years 2007-2008, 2008-2009, 2009-2010, 2010-2011, 2011-2012, and 2012-2013 this Hon'ble Commission was pleased to pass orders dated 16.10.2007 in I.A.s 11/2007 and dated 19.12.2008 in I.A. 10/2008 in O.P. 4 of 2007 and also dated 26.02.2010 in I.A. 16/2009 and dated 19.5.2012 in I.A.s 4/2011 and 10/2011 and dated 28.9.2012 in I.A. 4/2012 in O.P. 15 of 2009 respectively allowing the petitions for interim orders and directing the Respondents therein to pay to the Petitioner as per the amounts admitted in the retail supply tariff order for the respective years.
7. It is submitted that the Hon'ble Commission's tariff order dated 30.3.2013 provides the prima facie basis of the minimum amounts which would be admissible to the Petitioner, without prejudice to the claims and contentions of the Petitioner which would be considered and decided at the time of disposal of the main Petition. If no interim order is issued by the Hon'ble commission for the payment as given in the Tariff order, the Petitioner will not have a legal basis for claiming such amount from the Respondents otherwise it will be open to suffering irreparable harm and injury to the Petitioner. The Respondents will not suffer any prejudice whatsoever as the amounts now claimed herein are already being recovered by the Respondents from the consumers through the retail supply tariff. The balance of convenience is clearly in favour of the Petitioner for the grant of interim order as prayed for herein. It is also only just and equitable that the Hon'ble Commission grant the interim order as prayed for by the Petitioner herein.

8. For the above reasons and for such other grounds and reasons as may be urged at the time of hearing, the Petitioner prays that, pending disposal of O.P. 15 of 2009 before the Hon'ble Commission, the Hon'ble Commission may be pleased to direct the Respondents to pay generation Tariff to the Petitioner for 2013-2014 -

- (a) Fixed costs of the aggregate of Rs. 5308.87 crores in respect of the generating stations in operation as on 1.4.2013 in monthly instalments; and
- (b) Amounts aggregating to Rs 132.00 crores towards income tax in such instalments corresponding to the statutory requirements relating to the payment of the said sum as advance tax; and
- (c) Variable costs for the energy delivered by the Petitioner to the Respondent Discoms from 1.4.2013 at the various rates set out in pages 262 & 263 of the Tariff Order dated 30.3.2013 passed by the Hon'ble Commission duly adjusted for actual gross calorific value of the fuel and the actual landed costs of fuel for the respective months; and
- (d) Incentives for generation as eligible on the basis of normative generation; and/or
- (e) Such other order as the Hon'ble Commission may consider fit and expedient in the facts and circumstances of the case.

Hyderabad
-10-2013


For the Petitioner

K. VIJAYANAND, I.A.S.,
MANAGING DIRECTOR
A.P. POWER GENERATION CORPORATION LTD.
VIDYUT SODHA, HYDERABAD - 500 082.
A.P. INDIA.

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4. Southern Power Distribution Company of Andhra Pradesh Ltd.

Respondents

AFFIDAVIT

I, K. Vijayanand, son of K. Narsimhulu, aged about 47 years, resident of Hyderabad, do hereby solemnly affirm and say as follows :-

1. I am the Managing Director of the Petitioner Generating Company and I am duly authorised to make this affidavit.
2. The statements and submissions made in the paragraphs 1 to 7 of the Petition filed herewith are true to my knowledge based upon information and record, and the contents of paragraph 8 are prayers before this Hon'ble Commission.

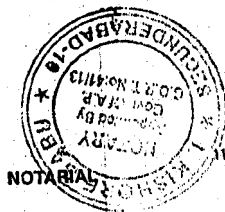
Solemnly affirmed at Hyderabad on this 29th day of October, 2013 that the contents of the above affidavit are true to my knowledge, no part of it is false and nothing material has been concealed therefrom.

Solemnly affirmed and signed
before me on this 29th day of October, 2013
at Hyderabad.

Deponent

K. VIJAYANAND, I.A.S.,
MANAGING DIRECTOR
A.P. POWER GENERATION CORPORATION LTD.
VIDYUT SOUDHA, HYDERABAD - 500 082.
A.P. INDIA.

Advocate / Notary



ATTESTED

I. KISHORE BABU, B.Com; B.L.,
ADVOCATE & NOTARY
11-77, Golnaka, Alwal, R.R. Dist. Secunderabad-10, A.P. India
APPOINTED BY GOVT. OF A.P.
G.D.N.S. No: 358198 & G.O.R.T: 41/13, Rev (Reg-4)
My Commission Expires on 11-04-2017

29/10/2013