

**Record of proceedings dated 17-06-2017**

R.P.No.3 of 2017 in O.P.Nos.28 & 29 of 2016

M/s. Hinduja National Power Corporation Ltd Vs APSPDCL & APEPDCL

Public hearing on Petition u/s 94 (1) (f) of the Electricity Act, 2003 r/w Clause 49 of the APERC (Conduct of Business) Regulations, 1999 seeking review of the order dated 31-03-2017 passed in O.P.Nos.28 & 29 of 2016 in the matter of Tariff determination for Retail Sale of Electricity during FY 2017-18.

Sri Sridhar Prabhu & Sri L. Venkateswara Rao, learned counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the respondents are present.

The petitioner filed a Memo and Sri Sridhar Prabhu, learned counsel for the petitioner submitted stating that the petitioner may be allowed to withdraw the present review petition, while keeping all the issues raised therein open, in line with the undertaking submitted to the Hon'ble Appellate Tribunal for Electricity which recorded the same in the order dated 01-06-2017. Sri P. Shiva Rao, learned Standing Counsel for the respondents has no objection and the Memo is recorded. The review petition is dismissed as withdrawn, no costs.

Sd/-  
MEMBER / PRM

Sd/-  
CHAIRMAN

O.P. No. 20 of 2017

APSPDCL Vs ---

Public hearing on Petition seeking approval of the Commission for implementation of Agricultural DSM project through distribution of BEE 5 star rated 5HP submersible pump sets and smart control panels with 5 years warranty in the eight districts of Andhra Pradesh namely; Krishna, Guntur, Prakasam, SPSR Nellore, Chittoor, YSR Kadapa, Anantapur and Kurnool under Demand Side Management Programme.

Sri P. Shiva Rao, learned Standing Counsel for the petitioner and Sri M. Thimma Reddy, learned objector are present.

Orders pronounced (vide separate order)

“22. Accordingly,-

- a) the petitioner is permitted to implement the Agricultural Demand Side Management (AgDSM) project making the required capital investment and executing the project in accordance with the AgDSM agreement dated 10-04-2017 between the petitioner and EESL, subject to the Terms and Conditions stated hereinafter;
- b) the petitioner and EESL have to, on the basis of the existing costs as on today, comprehensively re-assess and arrive at reasonable and acceptable installation cost per unit (per pump set), cost of awareness and distribution and PMC charges for five years and report to the Commission within 2 months from the date of this order, the reasonable amounts arrived at between the parties together or at different quantum by them under these three heads and obtain the approval of the Commission for financing such installation cost, cost of awareness and distribution and PMC charges as considered just and reasonable by the Commission, while the execution of this project shall be taken up and proceeded forthwith even in the meanwhile;

- c) the petitioner shall ensure that the capacity of the existing pump set to be replaced is 5 HP only and that the service connection has a proper voltage before replacing the existing pump sets with new Energy Efficient Pump Sets;
- d) the petitioner shall ensure supply of power at proper voltage before replacing the existing pump set with a new energy efficient pump set, if the voltage profile of the service connection is poor before such replacement;
- e) APSPDCL shall arrive at better baseline data before the programme is actually implemented. To establish baseline data, APSPDCL/EESL shall identify representative feeders and a sample of pump sets in such feeders, to measure actual consumption, rating of pump set, hours of operation, flow and other parameters like water head, voltage etc... For these pump sets energy consumption should be recorded before and after installation of pump sets to estimate energy savings.
- f) APSPDCL/EESL shall during the first years of implementation conduct quarterly inspection drive on 10% of the EEPS installed in that quarter and submit a report on findings to the Commission and also publish a report in APSPDCL website.
- g) the officer of the petitioner entrusted with the duty by the petitioner and the beneficiary consumer shall, at the time of replacement, certify jointly that the old pump set was replaced with an energy efficient pump set. If an inspection at any time during the period of warranty of five years is carried out and if such energy efficient pump set were to be found absent in that service connection, the petitioner shall cause a preliminary enquiry into the responsibility of the consumer and/or the officer and in the event of proof of such responsibility, initiate an appropriate criminal and / or civil action against the consumer and /or an appropriate disciplinary enquiry against the officer;
- h) the petitioner shall ensure repair and maintenance of the energy efficient pump sets including the smart control panel within two days from the date of

noticing the defect or failure of the pump set and in default the petitioner shall recover agreed penalty as stipulated under the Terms and Conditions of supply of the pump set, except if the petitioner is satisfied that any delay beyond two days is for reasons beyond the control of the person responsible for repair and maintenance;

- i) to assess savings more accurately, EESL shall take feeder level and Distribution Transformer (DT) energy meter readings over a period of time. This information gives more reliable estimate of the realised savings and these are not available for the pilot project. In this regard APSPDCL shall install the meters at feeder and DT level and estimate energy savings.
- j) the petitioner shall submit a quarterly performance and compliance report on the implementation of the project, more particularly about the quantum of actual energy savings and the cost benefit analysis done through a 3<sup>rd</sup> party, the first such report becoming due by 1<sup>st</sup> August 2017;
- k) the petitioner shall cause the consumption of energy per feeder per month recorded for the feeders under which it is proposing to replace the old pump sets with energy efficient pump sets in execution of this order from the date of communication of this order till such replacement to provide a verifiable basis for assessment of the actual energy savings
- l) the petitioner shall examine the issues raised and concerns expressed by the objectors and expeditiously take appropriate corrective measures in public interest and in the interest of the power sector in the state and communicate the action taken to the Commission from time to time;

and

- m) the petitioner shall bear its own costs”.

Sd/-  
MEMBER / PRM

Sd/-  
CHAIRMAN

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 Ltd., (implead petitioner) and Sri M. Thimma Reddy, learned objector are present.

Copy of the order in W.P.No.6143 of 2017 dated 13-06-2017 has been filed and the Hon'ble High Court has dismissed the Writ Petition filed by M/s. Meenakshi Energy Ltd., the implead petitioner which Writ Petition sought for restraining entering into a Power Supply Agreement between respondents 1 and 2 therein, declaring revocation of the Letter of Acceptance granted to the Writ Petitioner to be illegal and directing the 2<sup>nd</sup> respondent therein to enter into a Power Supply Agreement with the Writ Petitioner for 200 MW. Sri I.V. Siddhivardhana, learned counsel representing the Writ Petitioner requested for time to enable the Writ Petitioner to pursue any remedies available to it under law in respect of the said order in the Writ Petition. In the meanwhile, objections have been received from the APSEB Engineers' Association and Sri M. Venugopala Rao (along with enclosures). Copies of these objections be served on the learned counsel for the petitioner, respondent and the implead petitioner by the office of the Commission. The responses of the parties to the objections may be filed by the next date of hearing. The Writ Petitioner may inform the Commission of steps taken by it in respect of the order in the Writ Petition by the next date of hearing. Hence, the matter is posted to 01-07-2017.

Call on:

01-07-2017  
at 11:00 AM

Sd/-  
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CHAIRMAN

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

Sri S. Yadagiri, learned consultant representing APIIC is present.

An Application has been received from Sri S. Solomon Arokia Raj, Secretary, Industries & Commerce Department, Government of Andhra Pradesh dated 15-06-2017 by the Commission. The Secretary has stated that the file containing the proposal for approval of the release of the amounts due to the Discoms from the State Government has received necessary approvals and the process of release of amounts of the petitioner is underway. The Secretary also requested that his personal presence for today's hearing may be dispensed with in view of his being obligated to supervise the UPSC civil services examinations today. The learned consultant assured that the payments to the Discoms are likely to be made in all possibility within two weeks and sought for two weeks time. Therefore, the personal presence of Sri Solomon Arokia Raj, Secretary to Government of Andhra Pradesh in Industries & Commerce Department is dispensed with for this hearing and time is granted till 01-07-2017 before which date payments shall be made to both the distribution companies. In the event of such payments being made before that date, personal presence of the Secretary to Government of Andhra Pradesh in Industries & Commerce Department is not necessary and the same can be reported by any responsible officer in the said department. In the event of the payments not being made by that date, the Secretary to Government of Andhra Pradesh in Industries & Commerce Department shall appear in person before this Commission on that date.

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01-07-2017  
at 11:00 AM

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O.P.No.24 of 2016  
Aquawave Biotech Pvt Ltd Vs APSPDCL & 2 others

Petitioner challenging the Memo No.CGM/Opn/APSPDCL/TPT/RAC/F: /D. No. 282/2016 Dated 27-07-2016 issued by the Chief General Manager (Operations), APSPDCL / Respondent No.2

Sri Bala Mallesh, learned counsel representing Sri K. Venkata Ranga Das, learned counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the respondents are present.

No rejoinder is filed. At request of the learned counsel for the petitioner, the matter is posted to 15-07-2017.

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15-07-2017  
at 11:00 AM

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O.P.No.14 of 2017

M/s. Tirumala Cotton & Agro Products Pvt. Ltd Vs SLDC / APTRANSCO & APSPDCL

Petition filed under Section 86 (1) (f) of the Electricity Act, 2003 r/w Clause 15 of the Regulation 2 of 2006 & APERC (Conduct of Business) Regulations, 1999 challenging inaction of the R-1 not allotting the schedule to the petitioner in spite of the request made by the R-2 to wheel its deemed banked energy banked during the period 31-03-2015 to 23-06-2015 to its scheduled consumers HT SC Nos. GNT-740 and GNT-491

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

Rejoinder filed. For hearing, the matter is posted to 22-07-2017.

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22-07-2017  
at 11:00 AM

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MEMBER / PRM

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CHAIRMAN

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

Sri P. Shiva Rao, learned Standing Counsel entered appearance for the respondents and requested for time for counter. Hence, the matter is posted to 24-06-2017.

Call on:

24-06-2017  
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, Sri T. Vizhay Babu, learned counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the respondents are present.

Sri P. Shiva Rao, learned Standing Counsel entered appearance for the respondents and requested for time for counter. Hence, the matter is posted to 24-06-2017.

Call on:

24-06-2017  
at 11:00 AM

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CHAIRMAN



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

Sri P. Shiva Rao, learned Standing Counsel entered appearance for the respondents and requested for time for counter. Hence, the matter is posted to 24-06-2017.

Call on:

24-06-2017  
at 11:00 AM

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

Sri P. Shiva Rao, learned Standing Counsel entered appearance for the respondents and requested for time for counter. Hence, the matter is posted to 24-06-2017.

Call on:

24-06-2017  
at 11:00 AM

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CHAIRMAN

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

Sri P. Shiva Rao, learned Standing Counsel entered appearance for the respondents and requested for time for counter. Hence, the matter is posted to 24-06-2017.

Call on: 24-06-2017  
at 11:00 AM

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CHAIRMAN

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

Sri P. Shiva Rao, learned Standing Counsel entered appearance for the respondents and requested for time for counter. Hence, the matter is posted to 24-06-2017.

Call on: 24-06-2017  
at 11:00 AM

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CHAIRMAN

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

Sri P. Shiva Rao, learned Standing Counsel entered appearance for the respondents and requested for time for counter. Hence, the matter is posted to 24-06-2017.

Call on:

24-06-2017  
at 11:00 AM

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CHAIRMAN

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

Rejoinder filed. At request of the learned counsel for both parties, the matter is posted to 01-07-2017.

Call on:

01-07-2017  
at 11:00 AM

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CHAIRMAN

I.A.No. 3 of 2017 in O.P. No. 1 of 2015

M/s. Sai Laxmi Tulasi Ferros Pvt. Ltd Vs State of AP & APSPDCL

Petition filed 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 2015-16 for the Category of HT-1 (B) consumers

Sri Challa Gunaranjan, Sri T. Vizhay Babu, 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 the petitioner, time extended for rejoinder till 15-07-2017.

Call on:

15-07-2017  
at 11:00 AM

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CHAIRMAN

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.

Counter filed. Arguments of the learned counsel for both parties are heard. For orders, the matter is posted to 24-06-2017.

Call on:

24-06-2017  
at 11:00 AM

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CHAIRMAN

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 Satyanarayana, learned counsel representing Sri P. Vikram, learned counsel for Reliance Infrastructure Ltd., are present.

The petitioners have no rejoinder. For hearing, the matter is posted to 01-07-2017.

Call on:

01-07-2017  
at 11:00 AM

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MEMBER / PRM

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CHAIRMAN