

**Record of proceedings dated 07-12-2017**

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

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

Orders are not ready. Hence posted to 13-12-2017 at 03.00 PM for orders.

Call on: 13-12-2017  
at 03:00 PM

Sd/-  
MEMBER/PRM

Sd/-  
MEMBER/PR

Sd/-  
CHAIRMAN

Public hearing in the matter of 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. Ravindranath Reddy, AGM – Legal, M/s. Simhapuri Energy Limited, Sri P. Shiva Rao, learned Standing Counsel for the Southern Power Distribution Company of Andhra Pradesh Limited (APSPDCL) are present.

At request of Sri P. Shiva Rao, learned Standing Counsel for APSPDCL and due to want of information to him on any policy decision taken or not taken, the matter is posted to 30-12-2017.

Call on: 30-12-2017  
at 11:00 AM

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. Avijeet Lala, Advocate representing Sri Avinash Desai & Sri. S. Niranjan Reddy, learned counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the respondent are present.

At request of Sri P. Shiva Rao, learned Standing Counsel for the respondent time extended till 13-12-2017 for compliance of the interim orders dt.25-11-2017.

Call on:

13-12-2017  
at 03:00 PM

Sd/-  
MEMBER/PRM

Sd/-  
MEMBER/PR

Sd/-  
CHAIRMAN

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 M.S. Prasad, learned Senior Counsel representing Sri Challa Gunaranjan, learned counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the respondents are present.

The respondents filed a Memo stating that respondents earlier paid Rs.1,43,96,057/- and deposited Rs.12,40,23,076/- to the account of the Commission in compliance with the order of the Hon'ble ATE dated 05-12-2017. The orders of the Hon'ble ATE directed the State Commission to invest the amount in a nationalized bank until further orders. Therefore, on the amount of Rs.12,40,23,076/- being credited to the account of the Commission, the same may be kept in a fixed deposit with State Bank of India initially for a period of 180 days subject to any further orders / directions of the Hon'ble ATE subject to renewal from time to time so long as the necessity exists. As the condition for grant of stay has been complied with, initiation of proceedings under Sections 142 & 146 of the Electricity Act, 2003 as contemplated in the order dated 25-11-2017 is stayed subject to any further orders / directions of the Hon'ble ATE. The office of the Commission shall cause the fixed deposit to be renewed from time to time so long as the necessity exists, obtaining the orders of the Commission sufficiently in advance.

The present proceedings are closed for the present with the above direction and both the parties are at liberty to move the Commission for any further orders or directions necessitated by any further orders / directions of the Hon'ble ATE or otherwise.

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 30.11.20116.

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

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 Sri P. Shiva Rao, learned Standing Counsel for the respondents, the matter is posted to 13-12-2017 at 3:00 PM.

Call on:

13-12-2017  
at 3:00 PM

Sd/-  
MEMBER/PRM

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

Orders pronounced (vide separate orders)

**“15.** Therefore, the payment of Rs.1,51,44,360/- by the respondents to the petitioner towards refundable transmission charges on 21-07-2016 is recorded. It is further recorded that no further amounts were collected or refundable towards such transmission charges and no action or proceedings under Sections 142 and 146 of the Electricity Act, 2003 are necessary. The respondents shall pay Rs.14,40,990/- towards interest on the refundable transmission charges from the dates of payment to the date of refund. The petition is ordered accordingly, without costs”.

Sd/-  
MEMBER/PRM

Sd/-  
MEMBER/PR

Sd/-  
CHAIRMAN