

**Record of proceedings dated 15-10-2016**

O.P. No. 11 of 2015

APSPDCL & APEPDCL Vs Konaseema Gas Power Ltd

Petition under Section 86 (1) (b) and (f) of the Electricity Act, 2003 to delete Clause reflecting alternate fuel in the definition of "Fuel" in the PPA entered by M/s. Konaseema Gas Power Ltd., with APTRANSCO, APDISCOMs,

Sri P. Shiva Rao, learned Standing Counsel for the petitioners and Sri B.S. Sukumar, Junior Manager, Accounts of the respondent are present.

Heard Sri P. Shiva Rao, learned Standing Counsel for the petitioners and Sri B.S. Sukumar, Junior Manager, Accounts of the respondent. It is seen from the reply filed by the respondent that it was titled as preliminary objections and the respondent seeks to reserve its right to file its detailed para-wise reply later, if the preliminary objections are decided. APERC (Conduct of Business) Regulations, 1999 do not provide for any such piece-meal reply. Regulation 14 thereof is specific that there shall be one and only reply. Therefore, the respondent is directed to file reply to the petition in full by the next date of hearing. Sri B.S. Sukumar, Junior Manager, Accounts of the respondent is informed. Hence, the matter is posted to 19-11-2016.

Call on:

19-11-2016  
at 11:00 AM

Sd/-  
MEMBER / PRM

Sd/-  
MEMBER / PR

Sd/-  
CHAIRMAN

R.P. No. 11 of 2015 in O.P. No. 39 of 2014

Empee Power Co (I) Ltd Vs APPCC, APTRANSCO & APSPDCL

Petition for review of the Commission's order dated 23-05-2015 in O.P. No. 39 of 2014

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

Copies are stated to have been furnished to the learned Standing Counsel for the respondents. Hence, for hearing, matter is posted to 05-11-2016.

Call on:

05-11-2016  
at 11:00 AM

Sd/-  
MEMBER / PRM

Sd/-  
MEMBER / PR

Sd/-  
CHAIRMAN

I.A. No. 2 of 2016 in R.P. No. 13 of 2015 in O.P. No. 39 of 2014

APPCC, APTRANSCO & APSPDCL Vs Empee Power Co (I) Ltd

Petition for review of the Commission's order dated 23-05-2015 in O.P. No. 39 of 2014

Sri P. Shiva Rao, learned Standing Counsel for the petitioners and Sri T. Vizhay Baabu, learned counsel representing Sri Challa Gunaranjan, learned counsel for the respondent are present.

Post along with R.P. No. 11 of 2015 in O.P. No. 39 of 2014 on 05-11-2016.

Call on:

05-11-2016  
at 11:00 AM

Sd/-  
MEMBER / PRM

Sd/-  
MEMBER / PR

Sd/-  
CHAIRMAN

O.P. No. 11 of 2016

Sarvaraya Sugars Ltd Vs APTRANSCO, APEPDCL &  
SE / TL & SS Circle / APTRANSCO / Rajahmundry

Petition under Section 86 (1) (f) of the Electricity Act, 2003 in the matter of Line  
Maintenance Charges claimed by the respondents from the petitioner

Sri T. Vizhay Baabu, learned counsel representing 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 the petitioner for filing rejoinder finally posted to  
05-11-2016.

Call on:

05-11-2016  
at 11:00 AM

Sd/-  
MEMBER / PRM

Sd/-  
MEMBER / PR

Sd/-  
CHAIRMAN

O.P.No.20 of 2016 & I.A.Nos.7 & 8 of 2016

M/s. ACME Jaisalmer Solar Power Pvt. Ltd Vs APSPDCL

Petition u/s 86 (1) (f) of the Electricity Act, 2003 r/w Article 9 of the PPA dt. 05-12-2014  
r/w Regulation Nos. 55 (Saving of inherent power of the Commission), 57 (Power to  
remove difficulties) and 59 (Extension or abridgment of time prescribed) of the APERC  
(Conduct of Business) Regulations, 1999 and Regulation 85 (Power to relax) of CERC  
(Terms & Conditions for tariff determination from renewable energy sources)  
Regulations, 2012 seeking extension of COD for actual delay of 70 days.

Sri M. Abhinay, learned counsel representing Sri P. Vikram, learned counsel for the  
petitioner and Sri P. Shiva Rao, learned Standing Counsel for the respondent are  
present.

Orders pronounced (vide separate order)

“22. For the various reasons stated above, it has to be concluded that the petitioner is not entitled to have the Scheduled Commercial Operation Date declared extended till 30-06-2016 and avoid the consequences of the delay including invoking the Performance Bank Guarantees. The petitioner is consequently not entitled to any of the reliefs prayed for and the interim order granted earlier on 04-06-2016 has to be vacated. It will be open to the respondent to take any action in accordance with law for enforcement of its rights under the Power Purchase Agreement dated 05-12-2014 as amended thrice on 06-04-2015, 22-06-2015 and 23-12-2015. The adjudication by this order is no bar against the respondent and/or the petitioner entering into any fresh contractual obligations between themselves as permitted by law.

23. Accordingly, the petition and the Interlocutory Applications 7 & 8 of 2016 are dismissed. The interim order granted on 04-06-2016 stands vacated and the parties shall bear their own costs”.

Sd/-  
MEMBER / PRM

Sd/-  
MEMBER / PR

Sd/-  
CHAIRMAN