

Record of proceedings dated 06-08-2016

O.P. No. 10 of 2015
Lanco Kondapalli Power Ltd Vs APPCC, APSPDCL & APEPDCL

Petition under Section 86 (1) (f) of the Electricity Act, 2003 claiming reimbursement of Bank Guarantee Commission being part of Finance & Procurement costs

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 both parties, case is posted to 17-09-2016.

Call on: 17-09-2016
at 11:00 AM

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O.P. No. 31 of 2015
M/s. Jocil Ltd Vs APSPDCL

Petition filed under Section 86 (1) (f) of the Electricity Act, 2003 for the payment of the differential variable cost of surplus power supplied

Sri K. Gopal Choudary, learned counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the respondent are present.

At request of the learned counsel for both parties, case is posted to 17-09-2016.

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at 11:00 AM

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O.P. No. 60 of 2012
Nile Ltd Vs APSPDCL & TSSPDCL

Petition Seeking directions for payment on the monthly power bills

Sri Challa Gunaranjan, learned counsel for the petitioner, Sri P. Shiva Rao, learned Standing Counsel for APSPDCL and Smt. Priya Ayyangar, learned counsel representing Sri Y. Rama Rao, learned Standing Counsel for TSSPDCL are present.

Smt. Priya Ayyangar, learned counsel representing Sri Y. Rama Rao, learned Standing Counsel for 3rd respondent and Sri P. Shiva Rao, learned Standing Counsel for 1st and 2nd respondents submitted that proportionate liability is being assessed and some time may be granted. Hence, case is posted to 03-09-2016.

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at 11:00 AM

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O.P. No. 44 of 2014
International Paper APPM Ltd (The Andhra Pradesh Paper Mills Ltd) Vs APSLDC

Petition seeking accreditation of the petitioner's renewable energy project

Sri P. Shiva Rao, learned Standing Counsel for the respondent is present.

A letter has been received from the petitioner seeking time due to personal inconvenience of its counsel. Hence, case is posted to 17-09-2016.

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at 11:00 AM

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O.P.No.7 of 2016 FOR ORDERS
M/s. Rain CII Carbon (Vizag) Ltd. Vs APSLDC & APEPDCL

Petition under Section 86 (1) (e) r/w Clause 9 of Regulation 1 of 2012 seeking
exemption from Renewable Power Purchase Obligation

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

Orders pronounced (vide separate order)

11. In the result, the petition is allowed and the petitioner shall stand exempted
from Renewable Power Purchase Obligation under Regulation 1 of 2012 of this
Commission as prayed for. The parties shall bear their own costs."

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O.P.No.20 of 2016 & IA.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 Buddy A. Ranganadhan, Sri Anurag Sharma, Sri P. Vikram, learned counsel for the
petitioner and Sri P. Shiva Rao, learned Standing Counsel for the respondent are
present.

Arguments of Sri Buddy A Ranganadhan, learned counsel for the petitioner are heard.
At request of Sri P. Shiva Rao, learned Standing Counsel for the respondent for
continuation of hearing, case is posted to 03-09-2016.

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O.P. No. 36 of 2014
GMR Vemagiri Power Generation Ltd Vs APPCC, APTRANSCO & 4 DISCOMs

Restored the matter vide orders dt.19-12-2015 passed by the Commission in I.A. No.11
of 2015 in O.P.No.26 of 2012

Sri Nikhil Khadkikar, 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 for the respondents submitted that the accounts of the respondents are being verified. Some amounts are due to the respondents, which may have to be set off from the amounts payable to the petitioner under this claim. The respondents shall submit the details of their accounts and take steps for payment of admitted balance according to the accounts by 27-08-2016 under intimation to the petitioner. For hearing, case is posted to 03-09-2016.

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

The calculation of interest based on the bank rates and the quantum claimed by the petitioner are not mathematically in dispute. Heard Sri K. Gopal Choudary, learned counsel for the petitioner on the liability of the respondents for payment of interest. At request of Sri P. Shiva Rao, learned Standing Counsel for the respondents for reply, case is posted to 03-09-2016.

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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 J. Ramakrishna Chowdary, General Manager – Finance representing the respondent are present.

Counter filed. At request of Sri P. Shiva Rao, learned Standing Counsel for the petitioners, case is posted for filing rejoinder to 17-09-2016.

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O.P No. 50 of 2013 & I.A. No. 26 of 2013
M/s. KCP Limited Vs APTRANSCO & SPDCL & 2 others

Petition u/s 86 (1) (f) of the Electricity Act, 2003 in relation to billing on reactive power surcharge on reactive power drawn by the petitioner's Mini-Hydel project under the amended and restated Power Wheeling & Purchase Agreement dt. 17.03.1999

Interlocutory Application No. 26 of 2013, also filed by the petitioner for stay of collection of demand for reactive power surcharge and surcharge thereon under the APERC (Conduct of Business) Regulations, 1999

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

At request of both parties, case is posted to 26-08-2016.

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O.P. No. 51 of 2014 & I.A. No. 14 of 2014
M/s. Shree Jayalakshmi Powercorp Ltd Vs APTRANSCO & APSPDCL & 2 others

Petition filed under Section 86 (1) (f) of the Electricity Act, 2003 in relation to billing on reactive power surcharge on reactive power drawn by petitioner (Mini Hydel Power Plant) under Amended and Restated Power Wheeling & Purchase Agreement dt. 03.09.1998 and the application for interim relief

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

At request of both parties, case is posted to 26-08-2016.

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O.P. No. 52 of 2014 & I.A. No. 15 of 2014
M/s. Espar Pak Ltd Vs APTRANSCO & APSPDCL & 2 others

Petition filed under Section 86 (1) (f) of the Electricity Act, 2003 in relation to billing on reactive power surcharge on reactive power drawn by petitioner (Mini Hydel Power Plant) under Power Wheeling & Purchase Agreement dt. 11.01.2000 and the application for interim relief

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

At request of both parties, case is posted to 26-08-2016.

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O.P. No. 53 of 2014 & I.A. No. 16 of 2014
M/s. Tirumala Cotton & Agro Pvt Ltd Vs APTRANSCO & APSPDCL & 2 others

Petition under Section 86 (1) (f) of the Electricity Act, 2003 in relation to billing on reactive power surcharge on reactive power drawn by petitioner (Mini Hydel Power Plant) under Amended and Restated Power Wheeling & Purchase Agreement dt. 19.10.2000 and the application for interim relief

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

At request of both parties, case is posted to 26-08-2016.

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O.P. No. 54 of 2014 & I.A. No. 17 of 2014
M/s. Akshay Profiles Pvt Ltd Vs APTRANSCO & APSPDCL & 2 others

Petition under Section 86 (1) (f) of the Electricity Act, 2003 in relation to billing on reactive power surcharge on reactive power drawn by petitioner (Mini Hydel Power Plant) under Power Purchase & Wheeling Agreement dt.11.01.2000 and the application for interim relief

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

At request of both parties, case is posted to 26-08-2016.

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O.P. No. 55 of 2014 & I.A. No. 1 of 2015
M/s. RPP Ltd Vs APSPDCL

Petition under Section 86 (1) (f) of the Electricity Act, 2003 seeking dispute with regard to the demands for surcharge for reactive energy and delayed payment surcharge thereon in respect of Mini Hydel Power Plant of the petitioner

Sri K. Gopal Choudary, learned counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the respondent are present.

At request of both parties, case is posted to 26-08-2016.

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O.P. No. 58 of 2014 & I.A. No. 18 of 2014
M/s. Sri Dhanalakshmi Cotton & Rice Mills Pvt Ltd Vs APTRANSCO & APSPDCL & 2 others

Petition under Section 86 (1) (f) of the Electricity Act, 2003 in relation to billing on reactive power surcharge on reactive power drawn by petitioner (Mini Hydel Power Plant) under Amended and Restated Power Wheeling & Purchase Agreement dt.25.07.1998 and the application for interim relief

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

At request of both parties, case is posted to 26-08-2016.

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

At request of Sri Challa Gunaranjan, learned counsel for the petitioner, case is posted to 17-09-2016.

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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 Challa Gunaranjan, learned counsel for the respondent are present.

At request of Sri Challa Gunaranjan, learned counsel for the respondent, case is posted to 17-09-2016.

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O.P. No. 12 of 2015 FOR ORDERS
Indira Power Pvt Ltd Vs APSPDCL & 7 others

Petition under Section 86 (1) (f) of the Electricity Act, 2003 read with Regulation 55 of the APERC (Conduct of Business) Regulations, 1999 seeking declaration that the petitioner's 700 kWp Solar PV power plant is entitled to draw power without a High Tension Service Connection with minimum contacted demand of 70 kVA & other reliefs

Sri H. Rajesh Kumar, learned counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the respondents are present.

Orders pronounced (vide separate order)

"10. In view of the above discussion and conclusions, the petition has to fail even in respect of surviving prayers. The petition is dismissed accordingly. The parties shall bear their own costs."

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O.P. No. 27 of 2015 & I.A. No. 35 of 2015
Sammera Paper Industry Ltd Vs APEPDCL

Petition u/s 62 (1) (a) read with 86 (1) (a) of the Electricity Act, 2003 to direct the respondent to purchase power generated by it and to pay the generic tariff fixed by the Commission as well as the Interlocutory Application

Sri Challa Gunaranjan, learned counsel for the petitioner, Sri P. Shiva Rao, learned Standing Counsel for the respondent and Sri M. Venugopala Rao, learned objector are present.

Arguments of Sri Challa Gunaranjan, learned counsel for the petitioner, Sri P. Shiva Rao, learned Standing Counsel for the respondent, Sri M. Venugopala Rao, learned objector and Sri K. Gopal Choudary, learned counsel are heard. For orders, case is posted to 03-09-2016.

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O.P. No.18 of 2016
APEPDCL Vs M/s. Vishnu Vidyut India Ltd.

Petition filed on the representation of M/s. Vishnu Vidyut India Ltd., 7.5 MW Bio-mass based power plant for sale of power to APEPDCL under long term PPA

Sri P. Shiva Rao, learned Standing Counsel for the petitioner, Sri Challa Gunaranjan, learned counsel for the respondent and Sri M. Venugopala Rao, learned objector are present.

Arguments of Sri Challa Gunaranjan, learned counsel for the respondent, Sri P. Shiva Rao, learned Standing Counsel for the petitioner, Sri M. Venugopala Rao, learned objector and Sri K. Gopal Choudary, learned counsel are heard. For orders, case is posted to 03-09-2016.

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Public hearing on 06-08-2016 in matter of petition filed by M/s.REI Power Bazaar Pvt. Ltd., under Section 86 (1) (k) r/w Section 66 of the Electricity Act, 2003 seeking permission for setting up and operation of intra-state power market in the State of Andhra Pradesh. Public hearing on the maintainability of the said petition in the absence of any regulation relating to development of market in power.

Sri P. Vikram, learned counsel for the petitioner, Sri P. Shiva Rao, learned Standing Counsel for AP Transco, Sri Gaurav Maheshwari representing Indian Energy Exchange Ltd., and Sri M. Venugopala Rao, learned objectors are present.

The views of AP Transco and the objections of the Power Exchange India and the Indian Energy Exchange have been filed. Sri P. Vikram, learned counsel for the petitioner sought for time for filing the response. Sri M. Venugopala Rao, learned objector sought for time for filing objections. Hence, case is posted for response of the petitioner and objections of Sri M. Venugopala Rao, learned objector to 03-09-2016.

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at 11:00 AM

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Public hearing on 06-08-2016 in matter of
I.A. No.5 of 2016, I.A.No.9 of 2016 & I.A.No.10 of 2016 in O.P. No. 21 of 2015
Hinduja National Power Corporation Ltd (HNPCL) Vs APEPDCL & APSPDCL

Petition for determination of capital cost of the coal fired power station of 1040 MW (2 x 520 MW) capacity in the District of Visakhapatnam under Clause 10.8 of Regulation No. 1 of 2008 (Terms and conditions for determination of tariff for supply of electricity by a generating company to distribution licensee and purchase of electricity by distribution licensee)
Regulations, 2008 r/w 61, 62 & 64 of the Electricity Act 2003

I.A. No. 5 of 2016 filed by the petitioner (HNPCL) seeking directions of the Commission to the respondents to pay tariff of Rs. 1.80 per unit as variable cost ad Rs. Rs. 2.16 per unit as the fixed cost (aggregating to Rs.3.96 per unit at 80% availability), with effect from 01-04-2016, by curtailing the control period from 30-04-2016 to 31-03-2016.

I.A. No. 9 of 2016 filed by the respondents (APDISCOMs) requiring a detailed breakup of the estimated project cost from June 2010 to date of filing of the original petition.

I.A. No. 10 of 2016 - Additional submissions filed by the respondents (APDISCOMs) under Clause 16 of APERC (Conduct of Business) Regulations, 1999.

Sri Sridhar Prabhu, learned counsel for the petitioner, Sri P. Shiva Rao, learned Standing Counsel for the respondents and Sri M. Venugopala Rao, learned objector are present.

I.A.No.10 of 2016 is only for receiving additional submissions and it is in the interests of justice to allow the parties to place all their submissions before the Commission to arrive a comprehensive decision on merits in accordance with law. Therefore, I.A.No.10 of 2016 is allowed and additional submissions are received. In I.A.No.9 of 2016, Sri Sridhar Prabhu, learned counsel for the petitioner seeks time to file counter. In I.A.No.5 of 2016, Sri Sridhar Prabhu, learned counsel for the petitioner requested time to file his response to the memo filed by the respondents dated 30-07-2016 showing their estimate of increase in cost per unit on Table 2 of its counter. In view of the contest of I.A.No.5 of 2016 on all aspects, the matter has to be decided on merits, after receiving the response of the petitioner. However, the interim directions granted earlier to pay interim tariff of Rs.3.61 Ps., were operative only till 31-07-2016 and the payment of reasonable interim tariff before the final determination of the amount in O.P.No.21 of 2016 and another O.P.No.19 of 2016 is essentially for ensuring the running of the generating plant by the petitioner during the interregnum, which might be difficult without any return from the plant. While the reasonableness of the interim tariff fixed earlier was not the subject matter of challenge before any court or forum, the calculations by the respondents 1 and 2 themselves show an increase of Rs.0.21 Ps per unit due to the revision of coal price by the Ministry of Coal, Government of India through its notification dated 29-05-2016. Without prejudice to the rights and contentions of both parties, it will be in the interests of justice to increase the interim tariff by the said sum of Rs.0.21 Ps per unit for which either party is not responsible and which is the result of a revision of coal price by the Government of India. Therefore, respondents 1 and 2 are directed to pay an interim tariff of Rs.3.82 Ps per unit (Rs.3.61 Ps + Rs.0.21 Ps) to the petitioner from 01-08-2016 proportionately for the power received by them until any further orders by this Commission. The matter is posted to 03-09-2016 for hearing.

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