

Record of proceedings dated 26-08-2017

O.P. No. 5 of 2017

APSPDCL & APEPDCL Vs ---NIL---

Public hearing on the Petition filed under Regulation 55 (1) & (2) of APERC (Conduct of Business) Regulations, 1999 and Regulation 23 to 26 of the APERC (Terms and Conditions for tariff determination for wind power projects in the State of AP for the period FY 2015-16 to FY 2019-20) Regulations, 2015 requesting the Commission to curtail or limit the control period of the above mentioned Regulation No. 1 of 2015 upto 31-03-2017

Sri P. Shiva Rao, learned Standing Counsel for the petitioners and Sri N. Satyanarayana, learned counsel representing Sri P. Vikram, learned counsel representing Indian Wind Energy Association, Sri M. Venugopala Rao, Sr. Journalist & Convener, Centre for Power Studies and Sri V. Sailendra representing Indian Wind Power Association (AP State Council), learned objectors are present.

Written submissions are filed on behalf of Indian Wind Energy Association. For hearing the matter, posted to 16-09-2017

Call on:

16-09-2017
at 11:00 AM

Sd/-
MEMBER / PRM

Sd/-
MEMBER / PR

Sd/-
CHAIRMAN

O.P. No. 2 of 2017

M/s. Richmond Power Pvt. Ltd. Vs. APEPDCL

Public hearing on the Petition filed u/s 86 (1) (a) of the Electricity Act, 2003 r/w Regulation 55 [Saving of inherent power of the Commission] of the APERC (Conduct of Business) Regulations, 1999

Sri. N. Satyanarayana, learned counsel representing Sri. P. Vikram, learned counsel for the petitioner, Sri P. Shiva Rao, learned Standing Counsel for the respondent and Sri M. Venugopala Rao, Sr. Journalist & Convener, Centre for Power Studies, learned objector are present.

Counter is filed on behalf of the respondent, for rejoinder, if any, posted to 16-09-2017.

Call on: 16-09-2017
at 11:00 AM

Sd/-
MEMBER / PRM

Sd/-
MEMBER / PR

Sd/-
CHAIRMAN

Public hearing on the 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 APSPDCL and Sri. I.V. Siddivardhana, learned representing M/s. Meenakshi Energy Ltd (implead petitioner) and Sri M. Venugopala Rao, Sr. Journalist & Convener, Centre for Power Studies, learned objector are present.

Sri P. Shiva Rao, learned Standing Counsel for APDISCOMs filed a Memo stating that the Government of Andhra Pradesh has decided to take a holistic view on the subject matter and addressed a letter to DISCOMs. Learned Standing Counsel submitted that in these circumstances, he requests for further time. Hence posted to 16-09-2017.

Call on: 16-09-2017
at 11:00 AM

Sd/-
MEMBER / PRM

Sd/-
MEMBER / PR

Sd/-
CHAIRMAN

I.A. No. 9 of 2017 in O.P. Nos. 28 & 29 of 2016
APSPDCL & APEPDCL

Public hearing on the Petition filed u/s 62 (4) of the Electricity Act, 2003 r/w Regulation 55 of the APERC (Conduct of Business) Regulations, 1999 seeking amendment of the Retail Supply Tariff Order dated 31-03-2017 by way of revision of amount of Power Purchase Cost pertaining to M/s. Thermal Powertech Corporation India Ltd (TPCIL) and M/s. KSK Mahanadi Power Company Ltd (KSK) including PGCIL charges, for said generators and also permit APDISCOMs to furnish correct figures of fixed cost, variable cost and per unit cost of M/s. KSK Mahanadi Power Company Ltd and to grant approval.

Sri P. Shiva Rao, learned Standing Counsel for the petitioners, Sri. A. Sreekanth, DGM – Business Development representing M/s. KSK Mahanadi Power Company Ltd and Sri M. Venugopala Rao, Sr. Journalist & Convener, Centre for Power Studies, learned objector are present.

Orders pronounced, vide separate orders.

“20. Accordingly, the petition is allowed. No costs. A copy of the order be communicated to the Principal Secretary, Energy Department, Government of Andhra Pradesh for taking necessary action in public interest in the light of the conclusions and observations in this order”.

Sd/-
MEMBER / PRM

Sd/-
MEMBER / PR

Sd/-
CHAIRMAN

RP No.1 / 2010 in O.P.Nos.17 to 20 / 2008
M/s. RPP Ltd Vs DISCOMs
Petition for reviewing the tariff order dated 20-03-2009 in O.P.Nos.17 to 20 of 2008 in respect of wheeling tariff for FY 2009-10 to 2013-14 and RST for FY 2009-10.

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

The matters are stated to be still pending before the Hon'ble Supreme Court of India. Sri K. Gopal Choudary, learned counsel for the petitioner also stated that the question of jurisdiction of the Commission is also involved and the Hon'ble High Court is seized of the matter. Hence, posted to 02-12-2017.

Call on:

02-12-2017
at 11:00 AM

Sd/-
MEMBER / PRM

Sd/-
MEMBER / PR

Sd/-
CHAIRMAN

RP No. 2 / 2010 in O.P. No. 21 / 2008
M/s. RPP Ltd Vs APTRANSCO
Petition for review of tariff order dated 20-03-2009 in O.P.No.21 of 2008 in respect of
transmission tariff for FY 2009-10 to 2013-14.

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

The matters are stated to be still pending before the Hon'ble Supreme Court of India.
Sri K. Gopal Choudary, learned counsel for the petitioner also stated that the question
of jurisdiction of the Commission is also involved and the Hon'ble High Court is seized
of the matter. Hence, posted to 02-12-2017.

Call on: 02-12-2017
at 11:00 AM

Sd/-
MEMBER / PRM

Sd/-
MEMBER / PR

Sd/-
CHAIRMAN

RP No. 3 / 2010 in O.P. Nos. 17 to 20 / 2008
KCP & 2 others Vs APPCC, APTRANSCO & DISCOMs
Petition for reviewing the tariff order dated 20-03-2009 in O.P.Nos.17 to 20 of 2008 in
respect of wheeling tariff for FY 2009-10 to 2013-14 and RST for FY 2009-10.

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

The matters are stated to be still pending before the Hon'ble Supreme Court of India.
Sri K. Gopal Choudary, learned counsel for the petitioner also stated that the question
of jurisdiction of the Commission is also involved and the Hon'ble High Court is seized
of the matter. Hence, posted to 02-12-2017.

Call on: 02-12-2017
at 11:00 AM

Sd/-
MEMBER / PRM

Sd/-
MEMBER / PR

Sd/-
CHAIRMAN

RP No. 4 / 2010 in O.P. No. 21 / 2008
KCP & 2 others Vs APPCC, APTRANSCO & DISCOMs
Petition for review of tariff order dated 20-03-2009 in O.P.Nos.17 to 20 of 2009 in
respect of transmission tariff for FY 2009-10 to 2013-14.

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

The matters are stated to be still pending before the Hon'ble Supreme Court of India.

Sri K. Gopal Choudary, learned counsel for the petitioner also stated that the question of jurisdiction of the Commission is also involved and the Hon'ble High Court is seized of the matter. Hence, posted to 02-12-2017.

Call on: 02-12-2017
at 11:00 AM

Sd/-
MEMBER / PRM

Sd/-
MEMBER / PR

Sd/-
CHAIRMAN

RP No. 5 / 2010 in OP Nos.17 to 20 / 2008
Small Hydro Power Developers Association & 16 others Vs DISCOMs
Petition for reviewing the tariff order dated 20-03-2009 in O.P.Nos.17 to 20 of 2008 in
respect of wheeling tariff for FY 2009-10 to 2013-14 and RST for FY 2009-10.

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

The matters are stated to be still pending before the Hon'ble Supreme Court of India.

Sri K. Gopal Choudary, learned counsel for the petitioner also stated that the question of jurisdiction of the Commission is also involved and the Hon'ble High Court is seized of the matter. Hence, posted to 02-12-2017.

Call on: 02-12-2017
at 11:00 AM

Sd/-
MEMBER / PRM

Sd/-
MEMBER / PR

Sd/-
CHAIRMAN

OP No.16 of 2010 & IA No.7 of 2011
Tata Trading Company Vs DISCOMs & APTRANSCO
Petition against the illegal, unilateral and wrongful deductions towards illegal
compensation claim for supply of short term power

Interlocutory petition filed by the petitioner in the OP seeking interim orders for release
of the amounts on production of bank guarantee pending disposal of the main O.P. i.e.,
O.P.No.16 of 2010

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

Stay granted by the Hon'ble High Court is stated to be still continuing. Hence, posted to
02-12-2017.

Call on: 02-12-2017
at 11:00 AM

Sd/-
MEMBER / PRM

Sd/-
MEMBER / PR

Sd/-
CHAIRMAN

O.P.No.495 of 2003

AP TRANSCO Vs M/s. Andhra Pradesh Paper Mills & others

Commission by order dated 22-03-2004 determined Bulk Supply Tariff, Transmission
Charges, SLDC Charges (Common order in O.P.Nos.495 to 499 of 2003)

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

The matters are stated to be still pending before the Hon'ble Supreme Court. Hence,
posted to 02-12-2017.

Call on: 02-12-2017
at 11:00 AM

Sd/-
MEMBER / PRM

Sd/-
MEMBER / PR

Sd/-
CHAIRMAN

O.P.No.496 of 2003

APEPDCL Vs M/s. Andhra Pradesh Paper Mills & others
Commission by order dt.22-3-2004 determined distribution and retail supply tariffs
(Common order in O.P.Nos.495 to 499 of 2003)

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

The matters are stated to be still pending before the Hon'ble Supreme Court. Hence, posted to 02-12-2017.

Call on:

02-12-2017
at 11:00 AM

Sd/-
MEMBER / PRM

Sd/-
MEMBER / PR

Sd/-
CHAIRMAN

O.P.No.497 of 2003

APCPDCL Vs M/s. Andhra Pradesh Paper Mills & others

Commission by order dt.22-3-2004 determined distribution and retail supply tariffs
(Common order in O.P.Nos.495 to 499 of 2003)

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

The matters are stated to be still pending before the Hon'ble Supreme Court. Hence, posted to 02-12-2017.

Call on:

02-12-2017
at 11:00 AM

Sd/-
MEMBER / PRM

Sd/-
MEMBER / PR

Sd/-
CHAIRMAN

O.P.No.498 of 2003

APNPDCL Vs M/s. Andhra Pradesh Paper Mills & others

Commission by order dt.22-3-2004 determined distribution and retail supply tariffs
(Common order in O.P.Nos.495 to 499 of 2003)

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

The matters are stated to be still pending before the Hon'ble Supreme Court. Hence, posted to 02-12-2017.

Call on:

02-12-2017
at 11:00 AM

Sd/-
MEMBER / PRM

Sd/-
MEMBER / PR

Sd/-
CHAIRMAN

O.P.No.499 of 2003

APSPDCL Vs M/s. Andhra Pradesh Paper Mills & others

Commission by order dt.22-3-2004 determined distribution and retail supply tariffs
(Common order in O.P.Nos.495 to 499 of 2003)

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

The matters are stated to be still pending before the Hon'ble Supreme Court. Hence, posted to 02-12-2017.

Call on:

02-12-2017
at 11:00 AM

Sd/-
MEMBER / PRM

Sd/-
MEMBER / PR

Sd/-
CHAIRMAN

O.P.No.30 /2004

APTRANSCO Vs Small Hydro Power Developers' Association & others

Commission by order dated 22-03-2005 determined Bulk Supply Tariff, Transmission Charges, SLDC Charges (Common order in O.P.Nos.30 to 34 of 2004)

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

The matters are stated to be still pending before the Hon'ble Supreme Court. Hence, posted to 02-12-2017.

Call on:

02-12-2017
at 11:00 AM

Sd/-
MEMBER / PRM

Sd/-
MEMBER / PR

Sd/-
CHAIRMAN

O.P.No.31 /2004

APCPDCL Vs Small Hydro Power Developers' Association & others

Commission by order dt.22-3-2005 determined distribution and retail supply tariffs (Common order in O.P.Nos.30 to 34 of 2004)

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

The matters are stated to be still pending before the Hon'ble Supreme Court. Hence, posted to 02-12-2017.

Call on:

02-12-2017
at 11:00 AM

Sd/-
MEMBER / PRM

Sd/-
MEMBER / PR

Sd/-
CHAIRMAN

O.P.No.32 /2004

APEPDCL Vs Small Hydro Power Developers' Association & others

Commission by order dt.22-3-2005 determined distribution and retail supply tariffs
(Common order in O.P.Nos.30 to 34 of 2004)

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

The matters are stated to be still pending before the Hon'ble Supreme Court. Hence, posted to 02-12-2017.

Call on:

02-12-2017
at 11:00 AM

Sd/-
MEMBER / PRM

Sd/-
MEMBER / PR

Sd/-
CHAIRMAN

O.P.No.33 /2004

APNPDCL Vs Small Hydro Power Developers' Association & others

Commission by order dt.22-3-2005 determined distribution and retail supply tariffs
(Common order in O.P.Nos.30 to 34 of 2004)

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

The matters are stated to be still pending before the Hon'ble Supreme Court. Hence, posted to 02-12-2017.

Call on:

02-12-2017
at 11:00 AM

Sd/-
MEMBER / PRM

Sd/-
MEMBER / PR

Sd/-
CHAIRMAN

O.P.No.34 /2004

APSPDCL Vs Small Hydro Power Developers' Association & others

Commission by order dt.22-3-2005 determined distribution and retail supply tariffs
(Common order in O.P.Nos.30 to 34 of 2004)

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

The matters are stated to be still pending before the Hon'ble Supreme Court. Hence, posted to 02-12-2017.

Call on: 02-12-2017
at 11:00 AM

Sd/-
MEMBER / PRM

Sd/-
MEMBER / PR

Sd/-
CHAIRMAN

O.P.No.1 of 2006

APTRANSCO Vs Small Hydro Power Developers' Association & others

Determination of tariffs including transmission charges. Certain generators questioned the Tariff Order dt.23.03.2006 in respect of levy of transmission charges.

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

The matters are stated to be still pending before the Hon'ble Supreme Court. Hence, posted to 02-12-2017.

Call on: 02-12-2017
at 11:00 AM

Sd/-
MEMBER / PRM

Sd/-
MEMBER / PR

Sd/-
CHAIRMAN

O.P.No.2 of 2006

APCPDCL Vs Small Hydro Power Developers' Association & others
Commission by a common order dated 23-03-2006 determined distribution tariff for
control period 2006-07 to 08-09 and RST for FY 2006-07for 4 discoms

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

The matters are stated to be still pending before the Hon'ble Supreme Court. Hence,
posted to 02-12-2017.

Call on:

02-12-2017
at 11:00 AM

Sd/-
MEMBER / PRM

Sd/-
MEMBER / PR

Sd/-
CHAIRMAN

O.P.No.3 of 2006

APEPDCL Vs Small Hydro Power Developers' Association & others

Commission by a common order dated 23-03-2006 determined distribution tariff for
control period 2006-07 to 08-09 and RST for FY 2006-07for 4 discoms

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

The matters are stated to be still pending before the Hon'ble Supreme Court. Hence,
posted to 02-12-2017.

Call on:

02-12-2017
at 11:00 AM

Sd/-
MEMBER / PRM

Sd/-
MEMBER / PR

Sd/-
CHAIRMAN

O.P.No.4 of 2006

APNPDCL Vs Small Hydro Power Developers ' Association & others

Commission by a common order dated 23-03-2006 determined distribution tariff for control period 2006-07 to 08-09 and RST for FY 2006-07for 4 discoms

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

The matters are stated to be still pending before the Hon'ble Supreme Court. Hence, posted to 02-12-2017.

Call on:

02-12-2017
at 11:00 AM

Sd/-
MEMBER / PRM

Sd/-
MEMBER / PR

Sd/-
CHAIRMAN

O.P.No.5 of 2006

APSPDCL Vs Small Hydro Power Developers ' Association & others

Commission by a common order dated 23-03-2006 determined distribution tariff for control period 2006-07 to 08-09 and RST for FY 2006-07for 4 discoms

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

The matters are stated to be still pending before the Hon'ble Supreme Court. Hence, posted to 02-12-2017.

Call on:

02-12-2017
at 11:00 AM

Sd/-
MEMBER / PRM

Sd/-
MEMBER / PR

Sd/-
CHAIRMAN

O.P. No. 26 of 2016
M/s. JITF Urban Infrastructure Ltd Vs APSPDCL

Petition under Section 86 (1) (a) of the Electricity Act, 2003 r/w Regulation 55 for a direction to apply agricultural tariff to Solid Waste Management Project to be setup in the State of A.P., under promotional benefit in line with the Hon'ble Supreme Court & Ministry of Urban Development directives

Sri Rahul Pandey, representing the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the respondent are present.

The learned Counsel for the petitioner requested for time due to personal inconvenience. Hence posted to 21-10-2017.

Call on: 21-10-2017
at 11:00 AM

Sd/-
MEMBER / PRM

Sd/-
MEMBER / PR

Sd/-
CHAIRMAN

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 K. Vijaya Kumar, 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.

At the request of the learned counsel for the petitioner, posted to 28-10-2017.

Call on: 28-10-2017
at 11:00 AM

Sd/-
MEMBER / PRM

Sd/-
MEMBER / PR

Sd/-
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. T. Vizhay Babu, learned counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the respondent No. 2 are present.

The petitioner filed a Memo stating that in view of the orders of the State Government, vide G.O.Ms. No 133 Dt.17-10-2016 & G.O.Ms. No. 148 Dt.31-10-2016, the petitioner is withdrawing the present petition with liberty to canvass the issue before the appropriate forum including the Commission. Sri. T. Vizhay Babu, learned counsel for the petitioner stated that such liberty may be retained in the event of the withdrawal of the charges not taking place. Sri P. Shiva Rao has no objection. Hence, the petition is dismissed as withdrawn with liberty to pursue the issue before an appropriate forum, including the Commission, if the need arises.

Sd/-
MEMBER / PRM

Sd/-
MEMBER / PR

Sd/-
CHAIRMAN

Jurisdictional Batch (37 matters)

O.P.Nos.12 of 2008; 19 of 2009; 33 of 2009; 42 of 2009 & I.A. No. 4 of 2010; 57 of 2011; 70 of 2012; 71 of 2012; 72 of 2012; 79 of 2012; 85 of 2012; 8 of 2013 & I.A.No.1 of 2013; 9 of 2013 & I.A.No.2 of 2013; 12 of 2013; 23 of 2013; 24 of 2013 & I.A.No.14 of 2013; OP (SR) No.25 of 2013 & IA (SR) No.80 of 2013; 51 of 2013; 58 of 2013 & I.A.No.31 of 2013; 60 of 2013 & I.A.No.37 of 2013; 1 of 2014; 2 of 2014; 10 of 2014; 12 of 2014 & I.A.No.3 of 2014; 13 of 2014; 14 of 2014; 15 of 2014; 20 of 2014; 34 of 2014; 37 of 2014 & I.A.No.9 of 2014; 38 of 2014; 40 of 2014; 46 of 2014; 56 of 2014, R.P.No.1 of 2014 in O.P. No. 44 of 2013; 10 of 2015; 60 of 2012 and 12 of 2016.

GVK Industries Ltd Vs. DISCOMs and 36 matters

The question of jurisdiction is stated to be still pending consideration before the Hon'ble High Court. Hence, the matters are posted to 02-12-2017

Call on:

02-12-2017
at 11:00 AM

Sd/-
MEMBER / PRM

Sd/-
MEMBER / PR

Sd/-
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. N. Satyanarayana, learned counsel representing Sri P. Vikram, learned counsel for M/s. Reliance Infrastructure Ltd., are present.

At request of the parties, posted to 28-10-2017.

Call on: 28-10-2017
at 11:00 AM

Sd/-
MEMBER / PRM

Sd/-
MEMBER / PR

Sd/-
CHAIRMAN

O.P. No. 28 of 2017
APSPDCL & APEPDCL Vs M/s. Konaseema Gas Power Ltd & 2 others

Petition under Section 86 (1) (f) of the Electricity Act, 2003 requesting the Commission to direct the respondent No.1 to pay the energy consumed by it towards Start-up and Maintenance of its 444.08 MW project at Devarapalli (V), Ravulapalem (M), East Godavari District at HT-1 scheduled tariff

Sri P. Shiva Rao, learned Standing Counsel for the petitioners and Sri E. Satish Kumar, learned counsel, representing Konaseema Gas Power Ltd., (1st respondent) are present.

Counter filed by the learned counsel, representing M/s.Konaseema Gas Power Ltd., (1st respondent). At request, posted to 28-10-2017.

Call on: 28-10-2017
at 11:00 AM

Sd/-
MEMBER / PRM

Sd/-
MEMBER / PR

Sd/-
CHAIRMAN

O.P. No. 29 of 2017
APSPDCL & APEPDCL Vs M/s. GVK Gautami Power Pvt. Ltd & 2 others

Petition under Section 86 (1) (f) of the Electricity Act, 2003 requesting the Commission to direct the respondent No.1 to pay the energy consumed by it towards Start-up and Maintenance of its 464 MW project at Peddapuram, East Godavari District at HT-1 scheduled tariff

Sri P. Shiva Rao, learned Standing Counsel for the petitioners and Sri M. Naga Deepak, learned counsel representing Sri. Ch. Pushyam Kiran, learned counsel for GVK Gautami Power Pvt. Ltd., (1st respondent) are present.

At request of the parties, posted to 28-10-2017.

Call on: 28-10-2017
at 11:00 AM

Sd/-
MEMBER / PRM

Sd/-
MEMBER / PR

Sd/-
CHAIRMAN

O.P. No. 30 of 2017

APSPDCL & APEPDCL Vs M/s. GMR Vemagiri Power Generation Ltd & 2 others

Petition under Section 86 (1) (f) of the Electricity Act, 2003 requesting the Commission to direct the respondent No.1 to pay the energy consumed by it towards Start-up and Maintenance of its 370 MW project at Vemagiri (V), Kadium (M), East Godavari District at HT-1 scheduled tariff

Sri P. Shiva Rao, learned Standing Counsel for the petitioners and Sri. S. Niranjan, Sr. Advocate for GMR Vemagiri Power Generation Ltd., (1st respondent) are present.

Counter filed by the learned counsel, representing M/s. GMR Vemagiri Power Generation Ltd.,(1st respondent). At request, posted to 28-10-2017.

Call on: 28-10-2017
at 11:00 AM

Sd/-
MEMBER / PRM

Sd/-
MEMBER / PR

Sd/-
CHAIRMAN

O.P. No. 31 of 2017

APSPDCL & APEPDCL Vs M/s. GVK Industries Ltd & 2 others

Petition under Section 86 (1) (f) of the Electricity Act, 2003 requesting the Commission to direct the respondent No.1 to pay the energy consumed by it towards Start-up and Maintenance of its 220 MW project at Jegurupadu, East Godavari District at HT-1 scheduled tariff

Sri P. Shiva Rao, learned Standing Counsel for the petitioners and Sri M. Naga Deepak, learned counsel representing Sri. Ch. Pushyam Kiran, learned counsel for GVK Industries Ltd., (1st respondent) are present.

At request of the parties, posted to 28-10-2017

Call on:

28-10-2017
at 11:00 AM

Sd/-
MEMBER / PRM

Sd/-
MEMBER / PR

Sd/-
CHAIRMAN

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. E. Satish Kumar, learned counsel for the respondent are present.

At request of the parties, posted to 04-11-2017.

Call on:

04-11-2017
at 11:00 AM

Sd/-
MEMBER / PRM

Sd/-
MEMBER / PR

Sd/-
CHAIRMAN

O.P. No. 17 of 2015

M/s. IL & FS Wind Farms Ltd Vs. APSPDCL & 3 others

Petition under Sections 142, 143 / 146 & 129 of the Electricity Act, 2003 for punishment for non-compliance of directions of the Commission and for implementation of its orders

Sri Siva Darshan, learned counsel for petitioner and Sri P. Shiva Rao, learned Standing Counsel for the respondent are present.

Sri Siva Darshan, learned counsel for the petitioner submitted that in view of G.O.Ms.No.24 dated 29-05-2014, the 1st respondent is liable to pay the amount claimed. As the earlier submissions on behalf of the petitioner recorded in the proceedings do not appear to be the same, the learned counsel is requested to note what all has happened earlier and come back with the final arguments on the next hearing date. Hence, the matter is posted to 07-10-2017.

Call on:

07-10-2017
at 11:00 AM

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 T. Vizhay Babu, learned counsel for M/s. SNJ Sugars and Products Ltd., and Sri P. Shiva Rao, learned Standing Counsel for the respondents are present.

At request of learned counsel for the petitioner, posted to 07-10-2017.

Call on: 07-10-2017
at 11:00 AM

Sd/-
MEMBER / PRM

Sd/-
MEMBER / PR

Sd/-
CHAIRMAN

I.A.No. 18 of 2017 in O.P.No. 21 of 2015

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

Application filed by APDISCOMs under Clause 55 of APERC (Conduct of Business) Regulations, 1999 to reopen O.P.No. 21 of 2015 for further hearing.

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

Heard Sri. P. Shiva Rao, the learned Standing Counsel for the respondents and Sri P. Ravi Charan, learned counsel for the petitioner in the main O.P.No.21 of 2015. The learned Standing Counsel has submitted that the petition for reopening has become necessitated by the claim of the petitioner for cost of imported coal to the extent of 25% which was never the understanding between the parties.

However use of any imported coal or claiming costs thereof will impact the quantum of variable cost and not the fixed cost which is the subject matter of O.P.No. 21 of 2015 and no other grounds have been alleged to be justifying the request for reopening of the matter. Hence I.A. No. 18 of 2017 is dismissed, no costs.

Sd/-
MEMBER / PRM

Sd/-
MEMBER / PR

Sd/-
CHAIRMAN

I.A.No. 19 of 2017 in O.P.No. 19 of 2016

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

Application filed by APDISCOMs under Clause 55 of APERC (Conduct of Business) Regulations, 1999 to reopen O.P.No. 19 of 2016 for further hearing.

Sri P. Shiva Rao, learned Standing Counsel for the petitioners and Sri. P. Ravicharan and Sri. L. Venkateswara Rao, learned counsel for the respondent are present.

Heard Sri P. Shiva Rao, learned Standing Counsel for the petitioners and Sri P. Ravicharan, learned counsel for the respondent. The Interlocutory Application itself did not specify what are the materials or arguments sought to be placed before the Commission relating to the subsequent acts of Hinduja National Power Corporation Ltd., after the matter was reserved for orders. However, Sri P. Shiva Rao, learned Standing Counsel during his submissions stated that the petitioner is claiming the value of imported coal which it claims to be indispensable for its activity of generating power as the generating unit cannot be activated by using domestic coal only. The learned Standing Counsel stated that this was never the understanding between the parties and the relevant clause in the Power Purchase Agreement needs to be appreciated in that background. Sri P. Ravi Charan, learned counsel for the respondent stated that these aspects were never brought to the notice of the Hon'ble Appellate Tribunal for Electricity and the application without any specific ground raised cannot be entertained. He also denied the absence of any right for the respondent to claim any value of the imported coal and asserted that the respondent is also entitled to the amount already billed by it.

In view of the directions of the Hon'ble Appellate Tribunal for Electricity originally fixing the time for disposal of this petition on merits which was extended till the end of October, 2017 on an application filed by this Commission before the Hon'ble Appellate Tribunal for Electricity, any reopening of the matter is likely to create an impression of a veiled attempt for postponement. While the parties should be at liberty to place what all material they wish to place before the Commission for comprehensive adjudication of all the questions of any controversy, instead of technically reopening the matter, the parties

can still be given an opportunity to do so, while this Commission can make every endeavour to stick to the time limit fixed by the Hon'ble Appellate Tribunal for Electricity.

Therefore, the petitioners can file whatever material they wish to file and also file their written submissions on whatever aspects they wish to further bring to the notice of the Commission on or before 09-09-2017 (Saturday). The respondent shall be served with whatever material and written submissions are filed before the Commission by the petitioners and proof of service of such material also shall be filed before the Commission on or before 09-09-2017. The respondent can submit its reply submissions in writing and whatever further material they wish to place before the Commission in response on or before 23-09-2017 (Saturday), which shall be served on the petitioners proof of which shall be furnished to the Commission on or before that date. This liberty given to the parties shall not be construed as reopening of the matter, while all such further material and submissions that may be placed before the Commission by either or both the parties, will also be taken into consideration in determination of the questions in controversy between the parties on merits. In the event of either or both parties not availing this opportunity, it will be deemed that they have no further material to submit and no further submissions to make.

I.A.No.19 of 2017 is disposed off with the above directions. No costs.

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

At request of the learned Standing Counsel for the respondents, the matter is posted to 07-10-2017.

Call on:

07-10-2017
at 11:00 AM

Sd/-
MEMBER / PRM

Sd/-
MEMBER / PR

Sd/-
CHAIRMAN

I.A. No. 7 of 2017 in O.P. Nos.1 & 2 of 2013
M/s. Andhra Pradesh Ferro Alloys Producers Association & 12 others Vs APEPDCL & APSPDCL

Petition 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 2014-15 for the Category of HT-1 (b) consumers

Sri. Subhodh representing Sri. O. Manohar Reddy, learned counsel for the petitioners and Sri P. Shiva Rao, learned Standing Counsel for the respondents are present.

Orders pronounced, vide separate orders.

“Therefore, the Interlocutory Application is allowed. No costs.”

Sd/-
MEMBER / PRM

Sd/-
MEMBER / PR

Sd/-
CHAIRMAN

I.A. No. 17 of 2017 in O.P. Nos.1 & 2 of 2013
M/s. Sree Radhe Kripa Conast (Ind) Pvt. Ltd. Vs. APSPDCL & APEPDCL

Petition under Section 62 r/w Section 86 of the Electricity Act, 2003 for revisiting the conditions stipulated in the Retail Supply Tariff Order for the FY 2014-15 for the Category of HT-1 (B) consumers

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

Orders pronounced, vide separate orders.

“Therefore, the Interlocutory Application is allowed. No costs”.

Sd/-
MEMBER / PRM

Sd/-
MEMBER / PR

Sd/-
CHAIRMAN

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

Sri K. Vijaya Ratnam, Joint Director, Industries & Commerce Department, Government of Andhra Pradesh and Sri P. Shiva Rao, learned Standing Counsel for AP Discoms are present.

Sri K. Vijaya Ratnam, claiming to be the Joint Director, Industries & Commerce Department, Government of Andhra Pradesh is present before the Commission. Sri P. Shiva Rao, learned Standing Counsel for the Discoms has submitted that all the required particulars sought for by the officials on the last occasion were furnished long back and has stated on instructions that not a paisa of the amount due from the Industries & Commerce Department has been paid so far. The Joint Director is informed that either the amount is being paid on or before the next date of hearing or the Commission will be compelled to proceed to take further action under sections 142 and 146 of the Electricity Act, 2003. The matter is posted to 16-09-2017 and the Industries & Commerce Department shall be represented before the Commission on that date by a responsible officer.

Call on:

16-09-2017
at 11:00 AM

Sd/-
MEMBER / PRM

Sd/-
MEMBER / PR

Sd/-
CHAIRMAN

O.P. No.36 of 2017 & I.A.No. 16 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 S. Niranjan Reddy, Senior Advocate for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the respondent are present.

The application for interim directions has been filed seeking clearance of all the dues till date by the respondent to the petitioner as per the Power Purchase Agreement dated 31-05-2016 and a further interim direction to accept the monthly invoices and make monthly payments henceforth pending the main O.P.No.36 of 2017.

The petitioner contends that since the commencement of commercial operation of the generation project by it on 28-07-2016, the respondent is receiving supply of power and paying for the same as per the invoices raised by the petitioner at the agreed tariff rate. The respondent stopped payment since January, 2017 and refused to accept the invoices raised from April, 2017. The Power Purchase Agreement between the parties is awaiting the consent of the Commission. The events leading to such pendency have been explained in the main petition.

In the counters of the respondent in the main petition and in the Interlocutory Application, the respondent contended on the whole that negotiations are on with the developers in the interests of the consumers so as to bring the tariff to a reasonable level, while the Power Purchase Agreements including that of the petitioner were submitted to the Commission for a consideration of the issue, subject to the outcome of O.P.Nos.1 and 5 of 2017 pending on the file of this Commission and the negotiation process with the wind developers. While asserting the scope for exercise of the jurisdiction by the Commission for revisiting the regulation or the tariff or both, the respondent contended that the petitioner was informed not to pump any power to the grid and if it was so injected, the same will not be accounted. The Power Purchase

Agreement, therefore, has to be treated as unenforceable having not received the approval of the Commission so far and hence the Interlocutory Application or prayer also cannot be sustained.

The Hon'ble High Court was stated to have passed an order on 24-08-2017 in W.P.M.P.No.33469 of 2017 in W.P.No.19688 of 2017 not extending the time for disposal of the Interlocutory Applications originally fixed by it while disposing of the main Writ Petition.

The entitlement of the petitioner for the reliefs prayed in the main petition to compel the respondent to be bound by its obligations under the Power Purchase Agreement dated 31-05-2016 and the other consequential and ancillary reliefs has to be determined in the main petition on merits and any expression of opinion on the issues involved in the main petition in this interlocutory adjudication is likely to prejudice the rights and contentions of the parties. Therefore, without touching upon the questions in controversy arising for determination in the main petition, this Interlocutory Application has to be decided protecting the ultimate rights and interests of the parties to be declared in the main petition. The communication said to have been sent to the petitioner and other wind developers not to feed any power into the grid was sent by the Chief General Manager of APSPDCL on 29-06-2017. The fact that the generating unit of the petitioner had its Commercial Operation Date on 28-07-2016 to the knowledge of the respondent and that since then the power generated by that unit is injected into the grid and received by the respondent being not in dispute and the Power Purchase Agreement entered into between the petitioner and the respondent dated 31-05-2016 being not denied as a matter of fact, injection of power by the petitioner and receipt of the same by the respondent upto 28-06-2017 cannot by any means of construction be considered as irregular or illegal. While the quantum of power so supplied upto 28-06-2017 may not be in dispute, the supply of such power in any view, was never intended to be gratuitous. Irrespective of the nature of relationship arising between the parties under the Power Purchase Agreement, the obligation of the respondent to compensate the petitioner towards the value of the power so received from 28-07-2016 to 28-06-2017 cannot be seriously disputed. Regarding the estimation of the value of such power for

the purpose of this inquiry, though the tariff as per Regulation 1 of 2015 is Rs.4.84 ps / Rs.4.83 ps per unit, the reasonableness and justification for it are the questioned by the respondent claiming it to be the basis for the negotiation process between the wind developers and the public utilities on the aspect. According to Sri P. Shiva Rao, learned Standing Counsel for the respondent, in view of the subsequent events in which a much lesser price has been quoted by a wind developer in identical circumstances, it is now clear that the price payable now in the State of Andhra Pradesh is very high. He submitted that as that bid was for Rs.3.46 ps per unit, an amount of Rs.3.50 ps per unit can be taken as a reasonable basis for making the entire payment for the power received by the respondent from 01-12-2016 (unpaid balance for December, 2016) till 28-06-2017 as the value of power supplied from 28-07-2016 to 31-12-2016 was already paid by the respondent as per the regulation tariff. Though the learned counsel for the petitioner insisted on payment of the agreed price, pending final determination of the rights of the parties in the main petition, it would be in the interests of justice to ensure that a reasonable payment towards the value of the power supplied is received by the petitioner, as it is stated by the learned counsel to be under great financial stress and strain due to nonpayment of the arrears. Any such interim relief cannot be misconstrued as indication of any final determination by the Commission as it is only intended to protect the interests and rights of the parties pending the main petition. The question relating to the power injected into the grid from 29-06-2017 should also be left open to be decided in the main petition. The amount so paid as an interim measure has to be paid within a reasonable time and such payment as already stated is without prejudice to the rights and interests of the parties in the main petition.

Therefore, towards the power injected by the petitioner into the grid and received but not paid for by the respondent from 01-12-2016 to 28-06-2017, the respondent shall make the payment to the petitioner at the rate of Rs.3.50 ps per unit on or before 11-09-2017. Such payment by the respondent and receipt of the same by the petitioner is without prejudice to the rights and contentions of both parties in the main petition. In the event of the main petition O.P.No.36 of 2017 being not disposed of within a reasonable time, the petitioner is at liberty to approach the Commission for any appropriate interim relief regarding the power injected by it into the grid and received by the respondent

from 29-06-2017, if there was any such injection and receipt since 29-06-2017. I.A.No.16 of 2017 is disposed of with the above direction. No costs.

Counter filed in O.P.No.36 of 2016. For rejoinder, if any, the matter is posted to 16-09-2017.

Call on:

16-09-2017
at 11:00 AM

Sd/-
MEMBER / PRM

Sd/-
MEMBER / PR

Sd/-
CHAIRMAN