

**Record of proceedings dated 07-10-2017**

Public hearing in the matter of allocating inflated demand by the Andhra Pradesh Gas Power Corporation Ltd (APGPCL) to its shareholders.

Sri P. Shiva Rao, learned Standing Counsel for AP Transco, APSPDCL and APEPDCL, Sri K. Vijaya Bhaskar Reddy, learned counsel representing APGPCL, Sri Challa Gunaranjan, learned counsel representing M/s. Sri Satyanarayana Spinning Mills Ltd., Sree Akkamamba Textiles Ltd., and India Cements Ltd., Sri K. Gopal Choudary, learned counsel representing International Paper APPM Ltd., The Andhra Sugars Ltd., The Andhra Petrochemicals Ltd., Hindustan Zinc Ltd (Vedanta), Precot Meridian Ltd., LG Polymers India Pvt. Ltd., Sri Dhanalakshmi Cotton & Rice Mills Pvt. Ltd., and Sri M. Venugopala Rao, Sr. Journalist & Convenor, Centre for Power Studies, learned objectors are present.

Sri K. Vijaya Bhaskar Reddy, learned counsel representing Sri C.V. Mohan Reddy, learned Senior Counsel sought for time. Hence, posted for hearing to 28-10-2017.

Call on:

28-10-2017  
at 11:00 AM

Sd/-  
MEMBER / PRM

Sd/-  
CHAIRMAN

I.A.No.5 of 2017 in O.P.No.28 of 2016  
APSPDCL Vs ---

Public hearing in the matter of approval for additional surcharge from Open Access consumers during FY 2017-18 under Section 42 (4) of the Electricity Act, 2003

Sri P. Shiva Rao, learned Standing Counsel for the petitioners, Sri R. Shiva Kumar, Sri Bhushan Rastogi, Consultant representing AP Spinning Mills Association, Sri K. Gopal Choudary, learned Counsel representing ITC Ltd., Small Hydro Power Developers

Association, Sri P. Sri Raghu Ram, Senior Advocate and Sri Alladi Ravinder, learned counsel representing M/s. Sree Rayalaseema Alkalies and Allied Chemicals Ltd., Sri Aditya representing Indian Energy Exchange, Sri Challa Gunaranjan, learned counsel representing M/s. Parasakti Cement Industries Ltd., M/s. KCP Cement & Sugar Industries Ltd., M/s. GREENCO, Reddy Labs and Mylan Labs are present.

Additional objections of AP Spinning Mills Association have been filed. Objections of The Federation of Telangana and Andhra Pradesh Chambers of Commerce and Industry have also been filed. At request, the matter is posted for hearing to 04-11-2017.

Call on:

04-11-2017  
at 11:00 AM

Sd/-  
MEMBER / PRM

Sd/-  
CHAIRMAN

I.A.No.6 of 2017 in O.P.No.29 of 2016  
APEPDCL Vs –

Public hearing in the matter of approval for additional surcharge from Open Access consumers during FY 2017-18 under Section 42 (4) of the Electricity Act, 2003

Sri P. Shiva Rao, learned Standing Counsel for the petitioners, Sri R. Shiva Kumar, Sri Bhushan Rastogi, Consultant representing AP Spinning Mills Association, Sri K. Gopal Choudary, learned Counsel representing ITC Ltd., Small Hydro Power Developers Association, Sri P. Sri Raghu Ram, Senior Advocate and Sri Alladi Ravinder, learned counsel representing M/s. Sree Rayalaseema Alkalies and Allied Chemicals Ltd., Sri Aditya representing Indian Energy Exchange, Sri Challa Gunaranjan, learned counsel

representing M/s. Parasakti Cement Industries Ltd., M/s. KCP Cement & Sugar Industries Ltd., M/s. GREENCO, Reddy Labs and Mylan Labs are present.

Additional objections of AP Spinning Mills Association have been filed. Objections of The Federation of Telangana and Andhra Pradesh Chambers of Commerce and Industry have also been filed. At request, the matter is posted for hearing to 04-11-2017.

Call on:

04-11-2017  
at 11:00 AM

Sd/-  
MEMBER / PRM

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CHAIRMAN

O.P.No.1 of 2017  
APSPDCL & APEPDCLVs M/s. Vijayeebhava Enterprises Pvt Ltd & 43 others

Public hearing on Petition filed under Regulation 55 (2) & (3) of APERC (Conduct of Business) Regulation, 1999 to amend tariff orders in respect of wind power projects to be in compliance with Regulation 20 of Regulation No.1 of 2015.

Sri P. Shiva Rao, learned Standing Counsel for the petitioners, Ms. Puja Priyadarshini, learned counsel representing M/s. Karam Chand Thapar & Bros Limited, M/s. KCT (20.4 MW) Renewable Energy Pvt. Ltd., Indian Wind Power Association, Sri Challa Gunaranjan, learned counsel representing M/s. Rayala Wind Power Company Private Ltd., M/s. Sunwin Power Tech India (P) Ltd., M/s. Vibrant Green Tech India Ltd., M/s. Mytrah Vaayu (Indravathi) Pvt. Ltd., M/s. Orange Anantapur Wind Power Pvt. Limited, M/s. Sandla Wind Power Project Limited, M/s. Jed Solar Parks Pvt. Ltd., M/s. Poly Solar Parks Pvt. Ltd., M/s. Hetero Wind Power (Pennar) Pvt. Ltd., M/s. Ostro Anantapur Pvt. Ltd., M/s. Orange Uravakonda Wind Power Pvt. Ltd., M/s. Renew Wind Energy Pvt. Ltd., M/s. Tata Power Renewable Energy Limited, M/s. Mytrah Vayu (Tungabadra) Pvt.

Ltd., M/s. Vayu Urja Bharat Pvt. Ltd., M/s. Ostro AP Wind Pvt. Ltd., and M/s. Ostro Andhra Wind Pvt. Ltd., learned respondents and Sri M. Venugopala Rao, Sr. Journalist & Convener, Centre for Power Studies, learned objector are present.

As written submissions have already been filed and oral arguments were already addressed and as no further submissions are stated to be still to be made, the matter is reserved for orders.

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MEMBER / PRM

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CHAIRMAN

I.A. No. 8 of 2017 in O.P. Nos.28 & 29 of 2016  
APSPDCL & APEPDCL Vs M/s. Lanco Kondapalli Power Pvt. Ltd & M/s. Spectrum  
Power Generation Ltd

Public hearing on Petition u/s 62 (4), 86 (1) (b) of the Electricity Act, 2003 r/w  
Regulation 55 of the APERC (Conduct of Business) Regulations, 1999 seeking  
permission to procure power from respondents

Sri P. Shiva Rao, learned Standing Counsel for the petitioners, Sri K. Gopal Choudary, learned counsel representing Sri Challa Gunaranjan, learned counsel for M/s. Lanco Kondapalli Power Pvt. Ltd., M/s. Ch. Pushyam Kiran, T. Uma Shankar and Sri M. Naga Deepak, learned counsel representing M/s. Spectrum Power Generation Ltd., Sri M. Venugopala Rao, Sr. Journalist & Convenor, Centre for Power Studies, Sri S. Chandra Mouli representing APSEB Engineers Association, Sri S. Pratap representing APSEB AEs Association, learned objectors are present.

Heard Sri P. Shiva Rao, learned Standing Counsel for the petitioners, Sri K. Gopal Choudary, learned counsel representing Sri Challa Gunaranjan, learned counsel for M/s. Lanco Kondapalli Power Pvt. Ltd., Sri M. Naga Deepak, learned counsel

representing M/s. Spectrum Power Generation Ltd., Sri M. Venugopala Rao, Sr. Journalist & Convenor, Centre for Power Studies, Sri S. Chandra Mouli representing APSEB Engineers Association, Sri S. Pratap representing APSEB AEs Association, learned objectors. Sri P. Shiva Rao, learned Standing Counsel for the petitioners and Sri K. Gopal Choudary, learned counsel representing M/s. Lanko Kondapalli Power Ltd., have been requested to furnish verifiable material to substantiate the claim that payment of fixed and variable cost to these three generators will be less than the variable cost payable to any other generators, who are permitted in the Merit Order Despatch as per Tariff Order, thereby making even the payment of fixed cost to those generators not an additional burden to the distribution companies, by the next date of hearing. Copies of that material may be furnished to the objectors beforehand. For hearing, the matter is posted to 13-10-2017.

Call on:

13-10-2017  
at 11:00 AM

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CHAIRMAN

O.P. No. 5 of 2017  
APSPDCL & APEPDCL Vs ---

Public hearing on 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 of 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, Sri Sailendra representing Indian Wind Power Association, AP State Council, Sri P. Vikram, learned

counsel representing Indian Wind Energy and Sri M. Venugopala Rao, Sr. Journalist & Convenor, Centre for Power Studies, learned objectors are present.

At request of the parties, the matter is posted to 18-11-2017.

Call on:

18-11-2017  
at 11:00 AM

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I.A.No.20 of 2017 in O.P.No.1 of 2016  
APEPDCL Vs GoAP & APSPDCL

Public hearing in the matter of petition seeking approval of the Commission for additional units of supply to agriculture over and above the Tariff Order approved quantity due to extension of supply to agriculture over and above the stipulated 7 hrs supply and other factors in the jurisdiction of APEPDCL during FY 2016-17.

Sri P. Shiva Rao, learned Standing Counsel for the petitioner and Sri M. Venu Gopal Reddy, Officer on Special Duty, Energy, I & I Department, Government of Andhra Pradesh on behalf of 1<sup>st</sup> respondent are present.

Heard Sri P. Shiva Rao, learned Standing Counsel for the petitioner assisted by Sri G.V. Brahmananda Rao, Advocate and Sri M. Venu Gopal Reddy, Officer on Special Duty, Energy, I & I Department, Government of Andhra Pradesh on behalf of 1<sup>st</sup> respondent. A reply was submitted by the Principal Secretary to Government of Andhra Pradesh, Energy, I & I Department on behalf of the State Government stating that in compliance with the directions of the Government of Andhra Pradesh in respect of agricultural consumers as part of 24 x 7 supply of power to the agriculture sector, the Government has no objection to bear any additional subsidy which may be payable for additional hours of supply, as may be determined by this Commission.

No objections have been received from any stakeholder or interested person or member of the public against the request made in the petition in spite of public notice.

Sri M. Venu Gopal Reddy, Officer on Special Duty represented that State Government has no objection. The petitioner has given the details of the additional sales volume due to extension of supply to agriculture for additional hours in excess of stipulated 7 hours a day during August, 2016 to October, 2016 quantifying the same at 75.03 million units. The overall actual sales to LT agriculture consumers during the Financial Year 2016-17 was estimated to be 2399.41 million units, which is in excess of the approved quantity of 2281.16 million units by 118.25 million units. The reasons therefor were attributed to be compliance with the directions of the Government of Andhra Pradesh for extending supply beyond the stipulated 7 hours due to acute lack of rainfall in the subject districts. The Petitioner's request for approving the extension of supply to the agriculture in terms of the directions of the State Government and the additional sales volume and for consequential direction to the State Government to provide an additional subsidy of Rs.64.26 crores towards the same has to be therefore accepted. However, it may be left open to the State Government to approach this Commission for any variation in the quantum of additional subsidy due to any subsequent findings of the excess supply so made to be more or less than the claimed 118.25 million units. Therefore, the action of the petitioner in making the extended supply to the agricultural consumers in the draught affected districts during the Financial Year 2016-17 is approved. Hence, additional volume projected by the petitioner also is accepted. The Government of Andhra Pradesh shall provide a further sum of Rs.64.26 crores as additional subsidy towards the cost of the power purchase and supply for agriculture over and above the

already approved quantity for the Financial Year 2016-17. The State Government is at liberty to approach the Commission if any variation in the quantum of additional subsidy is found to be necessary due to finding the excess supply to be more or less than 118.25 million units. No costs.

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

Sri P. Shiva Rao, learned Standing Counsel for APSPDCL, Sri S.V.S. Chowdary, learned counsel representing M/s. Axis Energy Ventures India Pvt. Ltd., M/s. Eenadu Television Pvt. Ltd., M/s. Ushodaya Enterprises Pvt. Ltd., M/s. Jai Bharat Gum & Chemicals Ltd., M/s. Rajasthan Gum Pvt. Ltd., M/s. Chimique (India) Ltd., M/s. Sekhar & Lakhan / Sri S.V.S. Chowdary, learned counsel representing M/s. Poonawalla Aviation Pvt. Ltd., M/s. Poonawalla Shares & Securities Pvt. Ltd., M/s. Cyza Chem Pvt. Ltd., M/s. Villoos Green Field Farms, M/s. Cyrus Poonawalla Family Trust, M/s. Poonawalla Estates Stud and Agri Farm Pvt. Ltd., M/s. Chanda Investment & Trading Co. Pvt. Ltd., M/s. Adurjee & Bros. Pvt. Ltd., M/s. Naukhal Investment Pvt. Ltd., Ms. Puja Priyadarshini, learned counsel representing M/s. KCT Renewable Energy Pvt. Ltd. & M/s. Sembcorp Green Infra Ltd., Sri Challa Gunaranjan, learned counsel representing M/s. Mangalam Fashions Ltd., M/s. HC Commercial Ltd., M/s. RSM Estates Ltd., & M/s. Daulat Financial Services Pvt. Ltd., M/s. Avinash Desai and D.S. Siva Darshan, learned counsel representing M/s. Orange Uravakonda Wind Power Pvt. Ltd., learned objectors are present.

Sri P. Shiva Rao, Sri Challa Gunaranjan, Ms. Puja Priyadarshini and Sri Avinash Desai are heard in part. For continuation, the matter is posted to 28-10-2017.

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

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CHAIRMAN

O.P. No. 20 of 2015  
Empee Power Co (I) Ltd Vs APSPDCL

Petition u/s 62 r/w 86 (1) of the Electricity Act, 2003 for revision of tariff specified under Article 2.2 of the Power Purchase Agreement dated 23.05.2007

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

At request of the parties, the matter is posted to 13-10-2017.

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at 11:00 AM

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

As the 3<sup>rd</sup> member, who heard the arguments of the learned counsel for the petitioner, is on leave. Hence, the matter is posted to 21-10-2017.

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

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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

M/s. Avinash Desai, D.S. Siva Darshan and K. Jashwanth Rao, 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 parties, the matter is posted to 21-10-2017.

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

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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, Senior 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 parties, the matter is posted to 13-10-2017.

Call on:

13-10-2017  
at 11:00 AM

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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 parties, the matter is posted to 13-10-2017.

Call on:

13-10-2017  
at 11:00 AM

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MEMBER / PRM

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I.A.No. 21 of 2017 in O.P. No. 3 of 2011  
M/s. Metkore Alloys & Industries Ltd Vs APEPDCL

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 2011-12 for the Category of HT-1 (b) consumers

Sri Challa Gunaranjan, 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, for counter, the matter is posted to 04-11-2017.

Call on:

04-11-2017  
at 11:00 AM

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MEMBER / PRM

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CHAIRMAN

O.P. No. 33 of 2017  
M/s. NSL Sugars Ltd Vs APPCC & 3 others

Petition under Section 86 (1) (f) of the Electricity Act, 2003 r/w APERC (Conduct of Business) Regulation 1999 for resolving dispute in settlement of annual reconciliation bills under purchase order

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 parties, the matter is posted to 18-11-2017.

Call on:

18-11-2017  
at 11:00 AM

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MEMBER / PRM

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CHAIRMAN

O.P. No. 34 of 2017  
M/s. NSL Sugars (Tungabhadra) Ltd Vs APPCC & 3 others

Petition under Section 86 (1) (f) of the Electricity Act, 2003 r/w APERC (Conduct of Business) Regulation 1999 for resolving dispute in settlement of annual reconciliation bills under purchase order

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 parties, the matter is posted to 18-11-2017.

Call on:

18-11-2017  
at 11:00 AM

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MEMBER / PRM

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CHAIRMAN

O.P. No. 37 of 2017 & I.A.No. 13 of 2017  
M/s. Tata Power Renewable Energy Ltd., Vs APSPDCL & 3 others

Petition under Section 86 (1) (f) of the Electricity Act, 2003 r/w APERC (Conduct of Business) Regulations, 1999 challenging deduction of the Generation Based Incentive (GBI) amount from the payments due to the petitioner on account of energy supplied under the PPA Dt. 31-10-2016 and to refund the same with interest

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 P. Shiva Rao, learned Standing Counsel for the respondents, for counter, the matter is posted to 04-11-2017.

Call on:

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MEMBER / PRM

04-11-2017  
at 11:00 AM  
Sd/-  
CHAIRMAN

O.P. No. 38 of 2017 & I.A.No. 14 of 2017  
M/s. JED Solar Parks Pvt Ltd. Vs APSPDCL & 3 others

Petition under Section 86 (1) (f) of the Electricity Act, 2003 r/w APERC (Conduct of Business) Regulations, 1999 challenging deduction of the Generation Based Incentive (GBI) amount from the payments due to the petitioner on account of energy supplied under the PPA Dt. 31-10-2016 and to refund the same with interest

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 P. Shiva Rao, learned Standing Counsel for the respondents, for counter, the matter is posted to 04-11-2017.

Call on:

Sd/-  
MEMBER / PRM

04-11-2017  
at 11:00 AM  
Sd/-  
CHAIRMAN

O.P. No. 39 of 2017 & I.A.No. 15 of 2017

M/s. POLY Solar Parks Pvt Ltd. Vs APSPDCL & 3 others

Petition under Section 86 (1) (f) of the Electricity Act, 2003 r/w APERC (Conduct of Business) Regulations, 1999 challenging deduction of the Generation Based Incentive (GBI) amount from the payments due to the petitioner on account of energy supplied under the PPA Dt. 31-10-2016 and to refund the same with interest

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 P. Shiva Rao, learned Standing Counsel for the respondents, for counter, the matter is posted to 04-11-2017.

Call on:

04-11-2017  
at 11:00 AM

Sd/-  
MEMBER / PRM

Sd/-  
CHAIRMAN

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

Sri Durga Prasad Sahu, Joint Secretary, Industries & Commerce Department, Government of Andhra Pradesh is present.

Sri Durga Prasad Sahu, Joint Secretary, Industries & Commerce Department, Government of Andhra Pradesh is presented in person. He is informed that compliance of the directions of the Commission cannot await release of amount, as and when the additional budget is sanctioned as projected in their letter dated 26-09-2017. The compliance of the orders of the Commission is sufficiently delayed and cannot await any

further delay. Therefore, the matter is posted as a last chance to 18-11-2017 either for reporting compliance or for ordering further steps. The officer is informed.

Call on:

18-11-2017  
at 11:00 AM

Sd/-  
MEMBER / PRM

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

M/s. Avinash Desai, D.S. Siva Darshan and K. Jashwanth Rao, learned counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the respondent are present.

The petitioner filed a Memo stating that a balance of Rs.1,88,15,302/- is still due as the claim of 2% rebate to an extent of Rs.73,21,284/- is not in compliance with the interim order dated 26-08-2017. Sri P. Shiva Rao, learned Standing Counsel for the respondent sought for time for verification and payment of the amount due, if any, and hence for reporting compliance or for hearing, the matter is posted to 21-10-2017.

Call on:

21-10-2017  
at 11:00 AM

Sd/-  
MEMBER / PRM

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CHAIRMAN