

**Record of proceedings dated 16-12-2017**

I.A.No.29 of 2017 in O.P.No.21 of 2015  
Hinduja National Power Corporation Ltd (HNPCL) Vs APEPDCL & APSPDCL

In the matter of capital cost determination to M/s. HNPCL –  
To defer the schedule of disposal of matter

Sri P. Ravi Charan and Sri L. Venkateswara Rao, learned counsel for the petitioner / M/s. Hinduja National Power Corporation Limited (HNPCL), Sri P. Shiva Rao, learned Standing Counsel for the Respondents / APDISCOMs are present.

Heard Sri P. Shiva Rao, learned Standing Counsel for the Respondents / APDISCOMs and Sri P. Ravi Charan and Sri L. Venkateswara Rao, learned counsel for the petitioner / M/s. Hinduja National Power Corporation Limited (HNPCL). The Hon'ble Appellate Tribunal for Electricity in their orders dated 11-12-2017 were pleased to note that as the talks and deliberations between the parties are still underway, they extend time to comply with their orders dated 01-06-2017 till 15-01-2018, keeping the interest of justice in mind and as a last chance. Though, the Hon'ble Appellate Tribunal for Electricity had given liberty to the respondents / distribution companies to approach the State Commission for deferment of pronouncement of order in O.P.No.21 of 2015 and O.P.No.19 of 2016, any deferment has to be not beyond the date till which the time was extended as a last chance. As 13-01-2018 to 15-01-2018 happened to be public holidays, the pronouncement of orders in these two petitions can be deferred only upto 12-01-2018. In view of the Hon'ble Appellate Tribunal for Electricity considering it necessary in the interests of justice to extend the time for compliance with their order, as a natural corollary, the pronouncement of orders in these two petitions also

has to be consequentially deferred. Both the main petitions are posted for orders to 12-01-2018 at 3:00 PM and I.A.No.29 of 2017 is ordered accordingly.

Call on:

12-01-2018  
at 3:00 PM

Sd/-  
MEMBER/PRM

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MEMBER/PR

Sd/-  
CHAIRMAN

I.A.No.30 of 2017 in O.P.No.19 of 2016  
APEPDCL & APSPDCL Vs M/s. Hinduja National Power Corporation Limited  
(HNPCL)

Petition for grant of approval of PPA to 1040 MW (2 x 520 MW) coal fired power station of HNPCL under section 86 (1) (b) of the Electricity Act, 2003

Sri P. Shiva Rao, learned Standing Counsel for the petitioners / APDISCOMs, Sri P. Ravi Charan and Sri L. Venkateswara Rao, learned counsel for M/s. Hinduja National Power Corporation Limited (HNPCL) / respondent are present.

Heard Sri P. Shiva Rao, learned Standing Counsel for the petitioners / APDISCOMs and Sri P. Ravi Charan and Sri L. Venkateswara Rao, learned counsel for the respondent / M/s. Hinduja National Power Corporation Limited (HNPCL). The Hon'ble Appellate Tribunal for Electricity in their orders dated 11-12-2017 were pleased to note that as the talks and deliberations between the parties are still underway, they extend time to comply with their orders dated 01-06-2017 till 15-01-2018, keeping the interest of justice in mind and as a last chance. Though, the Hon'ble Appellate Tribunal for Electricity had given liberty to the petitioners/distribution companies to approach the State Commission for deferment of pronouncement of order in O.P.No.21 of 2015 and O.P.No.19 of 2016, any deferment has to be not beyond the date till which the time was extended as a last chance. As 13-01-2018 to 15-01-2018 happened to be public holidays, the

pronouncement of orders in these two petitions can be deferred only upto 12-01-2018. In view of the Hon'ble Appellate Tribunal for Electricity considering it necessary in the interests of justice to extend the time for compliance with their order, as a natural corollary, the pronouncement of orders in these two petitions also has to be consequentially deferred. Both the main petitions are posted for orders to 12-01-2018 at 3:00 PM and I.A.No.30 of 2017 is ordered accordingly.

Call on: 12-01-2018  
at 3:00 PM

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CHAIRMAN

O.P.No.52 of 2017  
APSPDCL & APEPDCL Vs ---

Public hearing in the matter of Petition filed u/s 86 (1) (b) & 62 of the Electricity Act 2003 r/w Regulation 8 of APERC (Conduct of Business) Regulations, 1999 for computation of Pooled Cost of Power Purchase of the year 2015-16 to be considered for the year 2016-17

Sri P. Shiva Rao, learned Standing Counsel for the petitioners / APDISCOMs is present.

No objections or views or suggestions are received from any stakeholder. At request of Sri P. Shiva Rao, learned Standing Counsel for the petitioners, the matter is posted for hearing to 23-12-2017.

Call on: 23-12-2017  
at 11:00 AM

Sd/-  
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CHAIRMAN

O.P.No.40 of 2017  
APTRANSCO Vs ---

Public hearing in the matter of determination of tariff for intra-state transmission lines of APTRANSCO for FY 2017-18 to include the same in PoC mechanism

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

At request of Sri P. Shiva Rao, learned Standing Counsel for the petitioner, the matter is posted for hearing to 23-12-2017.

Call on: 23-12-2017  
at 11:00 AM

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MEMBER/PR

Sd/-  
CHAIRMAN

O.P. No. 2 of 2017  
M/s. Richmond Power Pvt. Ltd. Vs APEPDCL

Public hearing on 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 P. Vikram, learned counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the respondent are present.

At request of Sri P. Vikram, learned counsel for the petitioner, for production of any relevant documentary evidence available, the matter is posted to 30-12-2017.

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

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CHAIRMAN

O.P. No. 7 of 2017  
M/s. SEI Green Flash Pvt. Ltd. Vs APSPDCL & APPCC

Petition filed under Section 86 (1) (e) & (f) of the Electricity Act, 2003 r/w Regulations 55, 57 & 59 of APERC (Conduct of Business) Regulations, 1999 requesting the Commission to set aside the Letter No.CGM / P, MM & IPC / F.SEI Green / D.No.558 /16 dt.20-09-2016 and for other reliefs

Sri A. Satya Prasad, Senior Counsel and Sri Srinivas Mantha, learned counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the respondents are present.

Heard Sri P. Shiva Rao, learned Standing Counsel for the respondents and Sri A. Satya Prasad, Senior Counsel and Sri Srinivas Mantha, learned counsel for the petitioner. Before going into the question of the legal validity or otherwise of the letter from the Chief General Manager in question in the petition, it is also brought to notice by the learned Standing Counsel for the respondents that the tariff for renewable energy has come down drastically over the years all-around. Hence, it may be necessary to discuss the feasibility of purchasing power from the generating company in question from a holistic perspective to arrive at a reasonable and workable solution. Therefore, both parties are directed to negotiate between themselves the possible way out from the impasse before considering the matter on merits. If there is a consensus, then the Commission will consider the manner in which such consensus can legally and factually be given effect to. If there is no consensus, the petition will be heard on merits and decided in accordance with law. The entire exercise is without prejudice to the respective rights and contentions of both parties in the main petition.

Call on:

06-01-2018  
at 11:00 AM

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MEMBER/PR

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CHAIRMAN

O.P. No. 8 of 2017  
M/s. SEI Arushi Pvt. Ltd. Vs APSPDCL & APPCC

Petition filed under Section 86 (1) (e) & (f) of the Electricity Act, 2003 r/w Regulations 55, 57 & 59 of APERC (Conduct of Business) Regulations, 1999 requesting the Commission to set aside the Letter No.CGM / P, MM & IPC / F.SEI Arushi / D.No.559 /16 dt.20-09-2016 and for other reliefs

Sri A. Satya Prasad, Senior Counsel and Sri Srinivas Mantha, learned counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the respondents are present.

Heard Sri P. Shiva Rao, learned Standing Counsel for the respondents and Sri A. Satya Prasad, Senior Counsel and Sri Srinivas Mantha, learned counsel for the petitioner. Before going into the question of the legal validity or otherwise of the letter from the Chief General Manager in question in the petition, it is also brought to notice by the learned Standing Counsel for the respondents that the tariff for renewable energy has come down drastically over the years all-around. Hence, it may be necessary to discuss the feasibility of purchasing power from the generating company in question from a holistic perspective to arrive at a reasonable and workable solution. Therefore, both parties are directed to negotiate between themselves the possible way out from the impasse before considering the matter on merits. If there is a consensus, then the Commission will consider the manner in which such consensus can legally and factually be given effect to. If there is no consensus, the petition will be heard on merits and decided in accordance with law. The entire exercise is without prejudice to the respective rights and contentions of both parties in the main petition.

Call on:

06-01-2018  
at 11:00 AM

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CHAIRMAN

O.P. No. 9 of 2017  
M/s. Rain Coke Ltd Vs APSPDCL & APPCC

Petition filed under Section 86 (1) (e) & (f) of the Electricity Act, 2003 r/w Regulations 55, 57 & 59 of APERC (Conduct of Business) Regulations, 1999 requesting the Commission to set aside the Letter No.CGM / P, MM & IPC / F. Rain Coke / D.No.557 /16 dt.20-09-2016 and for other reliefs

Sri A. Satya Prasad, Senior Counsel and Sri Srinivas Mantha, learned counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the respondents are present.

Heard Sri P. Shiva Rao, learned Standing Counsel for the respondents and Sri A. Satya Prasad, Senior Counsel and Sri Srinivas Mantha, learned counsel for the petitioner. Before going into the question of the legal validity or otherwise of the letter from the Chief General Manager in question in the petition, it is also brought to notice by the learned Standing Counsel for the respondents that the tariff for renewable energy has come down drastically over the years all-around. Hence, it may be necessary to discuss the feasibility of purchasing power from the generating company in question from a holistic perspective to arrive at a reasonable and workable solution. Therefore, both parties are directed to negotiate between themselves the possible way out from the impasse before considering the matter on merits. If there is a consensus, then the Commission will consider the manner in which such consensus can legally and factually be given effect to. If there is no consensus, the petition will be heard on merits and decided in accordance with law. The entire exercise is without prejudice to the respective rights and contentions of both parties in the main petition.

Call on:

06-01-2018  
at 11:00 AM

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O.P. No. 16 of 2017  
M/s. WAANEED Solar Pvt Ltd Vs APSPDCL & APPCC

Petition filed under Section 86 (1) (e) & (f) of the Electricity Act, 2003 r/w Regulations 55, 57 & 59 of APERC (Conduct of Business) Regulations, 1999 requesting the Commission to set aside the Letter No.CGM / P, MM & IPC / F.WAANEED / D.No.556 /16 dt.20-09-2016 and for other reliefs

Sri A. Satya Prasad, Senior Counsel and Sri Srinivas Mantha, learned counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the respondents are present.

Heard Sri P. Shiva Rao, learned Standing Counsel for the respondents and Sri A. Satya Prasad, Senior Counsel and Sri Srinivas Mantha, learned counsel for the petitioner. Before going into the question of the legal validity or otherwise of the letter from the Chief General Manager in question in the petition, it is also brought to notice by the learned Standing Counsel for the respondents that the tariff for renewable energy has come down drastically over the years all-around. Hence, it may be necessary to discuss the feasibility of purchasing power from the generating company in question from a holistic perspective to arrive at a reasonable and workable solution. Therefore, both parties are directed to negotiate between themselves the possible way out from the impasse before considering the matter on merits. If there is a consensus, then the Commission will consider the manner in which such consensus can legally and factually be given effect to. If there is no consensus, the petition will be heard on merits and decided in accordance with law. The entire exercise is without prejudice to the respective rights and contentions of both parties in the main petition.

Call on:

06-01-2018  
at 11:00 AM

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CHAIRMAN



O.P. No. 21 of 2017

M/s. Orange Uravakonda Wind Power Pvt. Ltd Vs APSPDCL & 2 others

Petition under Section 86 (1) (f) of the Electricity Act, 2003 r/w APERC (Conduct of Business) Regulations, 1999 requesting the Commission for direction to the respondents to open Irrevocable Letter of Credit and payment of amounts deducted towards 2% rebate from monthly power bills; for payment of interest on delayed payment in terms PPAs

Sri T. Vizhay Babu, 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 learned counsel for both parties, the matter is posted to 23-12-2017.

Call on:

23-12-2017  
at 11:00 AM

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CHAIRMAN

O.P. No. 22 of 2017

M/s. Khandke Wind Energy Pvt. Ltd Vs APSPDCL & 2 others

Petition under Section 86 (1) (f) of the Electricity Act, 2003 r/w APERC (Conduct of Business) Regulations, 1999 requesting the Commission for direction to the respondents to pay amounts wrongfully deducted towards rebate from monthly power bills; for payment of interest on delayed payment in terms PPAs., and to open Irrevocable Letter of Credit

Sri T. Vizhay Babu, 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 learned counsel for both parties, the matter is posted to 23-12-2017.

Call on:

23-12-2017  
at 11:00 AM

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CHAIRMAN

O.P. No. 23 of 2017

M/s. Orange Anantapur Wind Power Pvt. Ltd Vs APSPDCL & 2 others

Petition under Section 86 (1) (f) of the Electricity Act, 2003 r/w APERC (Conduct of Business) Regulations, 1999 requesting the Commission for direction to the respondents to open Irrevocable Letter of Credit; for payment of amounts deducted towards 2% rebate from monthly power bills and for payment of interest on delayed payment in terms PPAs

Sri T. Vizhay Babu, 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 learned counsel for both parties, the matter is posted to 23-12-2017.

Call on: 23-12-2017  
at 11:00 AM

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O.P. No. 24 of 2017

M/s. Tadas Wind Energy Pvt. Ltd Vs APSPDCL & 2 others

Petition under Section 86 (1) (f) of the Electricity Act, 2003 r/w APERC (Conduct of Business) Regulations, 1999 requesting the Commission for direction to the respondents to pay amounts wrongfully deducted towards rebate from monthly power bills; for payment of interest on delayed payment in terms PPAs., and to open Irrevocable Letter of Credit

Sri T. Vizhay Babu, 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 learned counsel for both parties, the matter is posted to 23-12-2017.

Call on: 23-12-2017  
at 11:00 AM

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O.P. No. 25 of 2017  
M/s. Mytrah Vayu (Pennar) Pvt. Ltd Vs APSPDCL & 2 others

Petition under Section 86 (1) (f) of the Electricity Act, 2003 r/w APERC (Conduct of Business) Regulations, 1999 requesting the Commission for direction to the respondents to open Irrevocable Letter of Credit; payment of amounts deducted towards 1% rebate from monthly power bills and for payment of interest on delayed payment in terms PPAs

Sri T. Vizhay Babu, 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 learned counsel for both parties, the matter is posted to 23-12-2017.

Call on: 23-12-2017  
at 11:00 AM

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CHAIRMAN

O.P. No. 26 of 2017  
M/s. Mytrah Vayu (Krishna) Pvt. Ltd Vs APSPDCL & 2 others

Petition under Section 86 (1) (f) of the Electricity Act, 2003 r/w APERC (Conduct of Business) Regulations, 1999 requesting the Commission for direction to the respondents to open Irrevocable Letter of Credit; payment of amounts deducted towards 1% rebate from monthly power bills and for payment of interest on delayed payment in terms PPAs

Sri T. Vizhay Babu, 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 learned counsel for both parties, the matter is posted to 23-12-2017.

Call on: 23-12-2017  
at 11:00 AM

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CHAIRMAN

O.P. No. 27 of 2017

M/s. Mytrah Vayu (Indravati) Pvt. Ltd Vs APSPDCL & 2 others

Petition under Section 86 (1) (f) of the Electricity Act, 2003 r/w APERC (Conduct of Business) Regulations, 1999 requesting the Commission for direction to the respondents to open Irrevocable Letter of Credit; payment of amounts deducted towards 2% rebate from monthly power bills and for payment of interest on delayed payment in terms PPAs

Sri T. Vizhay Babu, 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 learned counsel for both parties, the matter is posted to 23-12-2017.

Call on:

23-12-2017  
at 11:00 AM

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MEMBER/PR

Sd/-  
CHAIRMAN

O.P.No.35 of 2017

M/s. Jindal Aluminium Ltd Vs APSPDCL & 2 others

Petition under Section 86 (1) (f) of the Electricity Act, 2003 r/w APERC (Conduct of Business) Regulations, 1999 requesting the Commission for direction to the respondents to open Irrevocable Letter of Credit; payment of amounts deducted towards 1% rebate from monthly power bills and for payment of interest on delayed payment in terms PPAs

Sri T. Vizhay Babu, 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 learned counsel for both parties, the matter is posted to 23-12-2017.

Call on:

23-12-2017  
at 11:00 AM

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CHAIRMAN

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

Time extended for rejoinder till 30-12-2017.

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

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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 K. Jaswanth Rao, learned counsel representing Sri Avinash Desai, learned counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the respondent are present.

Time extended at request of the learned counsel for the petitioner, for compliance with the interim orders till 23-12-2017.

Call on: 23-12-2017  
at 11:00 AM

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MEMBER/PR

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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 30.11.2016.

Application for interim directions u/s 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 learned counsel for both parties, the matter is posted to 23-12-2017.

Call on:

23-12-2017  
at 11:00 AM

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CHAIRMAN