

AXIS WIND FARMS (MPR DAM) PRIVATE LIMITED

CIN: U40108TG2011PTC075928

//Without prejudice//

February 20, 2020

The Andhra Pradesh Electricity Regulatory Commission
11-4-660, 4th Floor, Singareni Bhavan, Red Hills,
Hyderabad- 500 004

Kind attention: The Secretary

Sub: **Public notice dated 13.02.2020 regarding public hearing to be held on 10.03.2020** in respect of proposed amendment of Regulation 4 of 2017 i.e., APERC (Forecasting, Scheduling and Deviation Settlement of Solar and Wind Generation) Regulations, 2017

Dear Sir,

With reference to the above subject, we would like to bring to your attention that several wind and solar companies across the country have challenged legal and constitutional validity of Forecasting, Scheduling and DSM mechanism Regulations passed by respective State Electricity Regulatory Commissions in various High Courts and interim orders were also passed to the effect that no coercive actions be taken against the renewable energy generating companies.

Similarly, aggrieved by the APERC (Forecasting, Scheduling and Deviation Settlement of Solar and Wind Generation) Regulation, 2017" i.e. Regulation No. 4 of 2017 (**herein after referred to as 'Regulations'**), we and other wind and solar companies have also filed Writ Petitions before the Hon'ble High court of Andhra Pradesh challenging the legal and constitutional validity of Regulation No. 4 of 2017.

The Hon'ble Supreme Court in an order passed on 26.04.2019 in Civil Appeal No. 4404 of 2019 has remitted the matter to the Hon'ble AP High Court to adjudicate on the issues of legal and constitutional validity of the Regulations.

Therefore, please note that the validity of the Regulations itself is under judicial review by the Hon'ble High Court in WP 5706 of 2019, WP 13860 of 2019 and a batch of writ petitions. During the pendency of these writ petitions, the Hon'ble High Court has passed interim orders in these writ petitions directing the APTRANSCO / SLDC not to take any coercive action pending the disposal of the writ petitions and to maintain status quo.

For ready reference we are hereby enclosing the copies of order passed by the Hon'ble Supreme Court and the Hon'ble High Court.

Contd..2..



Regd. Office: Plot No.8-2-293/82/A/1131A, Road No. 36, Jubilee Hills, Hyderabad – 500033, Telangana

Ph. No.: 040 - 4030 1000 Fax No. 91(040)-40301101, E-mail: info@greenkogroup.com

AXIS WIND FARMS (MPR DAM) PRIVATE LIMITED

CIN: U40108TG2011PTC075928

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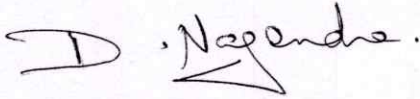
We, therefore, in the interest of justice and fair play, request you to adjourn the above proceedings with regard to amendment of the said Regulation No. 4 of 2017 and also adjourn the proposed public hearing until such time the Hon'ble High Court finally pronounces its verdict on legal and constitutional validity of the Regulations.

Thanking you,

Yours sincerely

For and behalf of

Axis Wind Farms (MPR Dam) Private Limited and other Companies (*)



Authorised Signatory

Encl: 1. List of Companies (*)

2. Order of the Hon'ble Supreme Court dated 26.04.2019

3. Order of the Hon'ble High Court of Andhra Pradesh dated 30.12.2019

Status of Writ Petitions challenging Andhra Pradesh F&S Regulations

S.No.	Name of the Company	Court	Case No.	Status/ Date of Interim Order
1.	Orange Uravakonda Wind Power Pvt. Ltd Vs. State of Andhra Pradesh APERC & SLDC	High Court of Andhra Pradesh	WP 5706 of 2019	Interim order passed on 25.04.2019 stating that the Authorities shall not invoke the bank guarantee furnished, if not already invoked. Further, the WP was admitted for final hearing and interim order was confirmed by the High Court on 30.12.2019.
2.	a. Axis Wind Farms (MPR Dam) Pvt. Ltd. b. Jed Solar Parks Pvt. Ltd. c. Vayuputra Energy Pvt. Ltd. d. Rayalaseema Wind Energy Company Pvt. Ltd. e. SEI Sriram Power Pvt. Ltd. f. Greenko Solar Power (Dharmavaram) Ltd. g. Guttaseema Wind Energy Company Private Limited h. Saipuram Wind Energies Pvt. Ltd. Vs. State of Andhra Pradesh APERC & APSLDC	High Court of Andhra Pradesh	WP 13860 of 2019	Interim order passed on 20.09.2019 stating that the Authorities shall not invoke the bank guarantee furnished, if not already invoked. Further, the WP was admitted for final hearing and interim order was confirmed by the High Court on 30.12.2019.
3.	a. Animala Wind Power Private Limited b. Anantapura Wind Energies Private Limited c. Sandla Wind Project Private Limited	High Court of Andhra Pradesh	WP 15513 of 2019	Interim order passed on 01.10.2019 stating that in the light of orders passed in WP 5706/19 and 13860/ 19, status quo should be granted and the status quo as on today shall be maintained.

	d. SEI Green Flash Private Limited e. Skeiron Renewable Energy Amidyala Limited f. Orange Anantapur Wind Power Private Limited g. Zuvan Energy Private Limited h. Divyesh Power Private Limited i. SEI Baskara Power Private Limited j. SEI EnerStar Renewable Energy Private Limited Vs. State of Andhra Pradesh APERC & APSLDC			Further, the WP was admitted for final hearing and interim order was confirmed by the High Court on 30.12.2019.
4.	Greenko Energies Pvt. Ltd., Saipuram Wind Energies Pvt. Ltd., & Axis Wind Farms (MPR Dam) Pvt. Ltd., Vs. APERC	High Court of Andhra Pradesh	WP 781 of 2018	Disposed off vide order dated 22.11.2019. Reopened for reconsideration vide order dated 26.04.2019 of SC in Civil Appeal No. 4404 of 2019. Further, the WP was admitted for final hearing and interim order was confirmed by the High Court on 30.12.2019.

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 4810/2019

(Arising out of impugned final judgment and order dated 22-11-2018 in WP No. 781/2018 passed by the High Court Of Judicature At Hyderabad For The State Of Telangana And The State Of Andhra Pradesh)

GREENKO ENERGIES PRIVATE LIMITED & ORS.

Petitioner(s)

VERSUS

THE ANDHRA PRADESH ELECTRICITY REGULATORY COMMISSION Respondent(s)

IA 27649/2019 - EXEMPTION FROM FILING C/C/ OF THE IMPUGNED JUDGMENT

IA 56022/2019 - INTERVENTION/IMPLEADMENT

IA 56051/2019 - PERMISSION TO FILE ADDL. DOCUMENTS

IA 56050/2019 - STAY APPLICATION

Date : 26-04-2019 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN

HON'BLE MR. JUSTICE VINEET SARAN

For Petitioner(s) Mr. S.B. Upadhyay, Sr. Adv.
Mr. Rana S. Biswas, Adv.
Mr. Sunil Kr. Sharma, Adv.
Mr. Nishant Kumar, Adv.
Ms. Sharmila Upadhyay, AOR

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

Application for impleadment is dismissed.

Leave granted.

The appeal is allowed in terms of the signed order.

Pending applications stand disposed of.

(R. NATARAJAN)
COURT MASTER (SH)

(RENU DIWAN)
ASSISTANT REGISTRAR

(Signed order is placed on the file)

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO. 4404 OF 2019
(Arising out of SLP (C) No. 4810/2019)

GREENKO ENERGIES PRIVATE LIMITED & ORS.

Appellant(s)

VERSUS

THE ANDHRA PRADESH ELECTRICITY REGULATORY COMMISSION Respondent(s)

O R D E R

Leave granted.

Nobody appears on behalf of the respondent though served. We are of the view that the impugned judgment passed by the High court of Judicature at Hyderabad for the State of Telangana and the State of Andhra Pradesh needs to be set aside as the Writ Petition that was filed before it was to challenge the A.P. Electricity Regulatory Commission (Forecasting, Scheduling and Deviation Settlement Mechanism for Wind and Solar Generation Sources) Regulations, 2017. However, instead of either accepting or rejecting the challenge to the regulations, the High Court has relegated the appellant back to the Commission.

We therefore set aside the impugned judgment and remand the case to the High Court to be disposed of on merits.

The appeal is allowed in the aforesaid terms.

..... J.
(ROHINTON FALI NARIMAN)

..... J.
(VINEET SARAN)

Signature Not Verified
Digitally signed by R
NATARAJAN
Date: 2019.04.29
17:14:21 IST
Reason: I

New Delhi;
April 26 2019.

HIGH COURT OF ANDHRA PRADESH : AMARAVATHI
(SPECIAL ORIGINAL JURISDICTION)
MONDAY, THE THIRTIETH DAY OF DECEMBER
TWO THOUSAND AND NINETEEN
:PRESENT:



THE HONOURABLE THE CHIEF JUSTICE SRI JITENDRA KUMAR MAHESWARI
AND
THE HONOURABLE SRI JUSTICE M. VENKATA RAMANA

WRIT PETITION NO: 5706 OF 2019

Between:

Orange Uravakonda Wind Power Private Limited., Having its Registered Office at D-21, Corporate Park, 3rd Floor, Sector - 21, Dwaraka, New Delhi South - 110 077.
Represented by its Authorized Signatory Mr.J.Ashvin Kumar

Petitioner

AND

1. The State of Andhra Pradesh, Represented by its Principal Secretary, Electricity Department, Andhra Pradesh Secretariat, Velagapudi, Amaravathi, Guntur District 522 503
2. Andhra Pradesh Electricity Regulatory Commission, Represented by its Secretary, 4th Floor, Singareni Bhavan, Red Hills, Hyderabad - 500 004.
3. State Load Dispatch Centre, Transmission Corporation of Andhra Pradesh Limited Vidyut Soudha, Gunadala, Eluru Road, Vijayawada, Andhra Pradesh Krishna District - 520 004.

Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to pass an order or orders, direction or writ more particularly one in the nature of Writ of Mandamus

(a)Declaring the impugned regulations, dated 21.08.2017 issued by APERC Forecasting, Scheduling and Deviation Settlement of Solar and Wind Generation Regulation, 2017 (Regulation No.4 of 2017) dated 21.08.2017 framed by the Respondent No. 2 as arbitrary, illegal, unconstitutional and also violative of principles of natural justice

(b) Direct the Respondent No.3 not to levy any penalty towards Deviation Settlement.

IA NO: 1 OF 2019

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to stay the levy of purported deviation charges in pursuant to the impugned regulations, APERC Forecasting, Scheduling and Deviation Settlement of Solar and Wind Generation Regulation, 2017 (Regulation No.4 of 2017) dated 21.08.2017 framed by the Respondent No. 2, pending disposal of Writ Petition No.5706 of 2019, on the file of the High Court.

IA NO: 2 OF 2019

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the operation and effect of the impugned regulations (APERC Forecasting, Scheduling and Deviation Settlement of Solar and Wind Generation Regulation, 2017 (Regulation No.4 of 2017) dated 21.08.2017) issued by the Respondent No. 2 and the Procedure notified thereunder, pending disposal of Writ Petition No.5706 of 2019, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and the order of the High Court order dated 25.04.2019, 03-06-2019, 17-06-2019 & 25-06-2019 made herein and upon hearing the arguments of SRI.P.VIKRAM Advocate for the Petitioner, learned Government Pleader for Energy for Respondent No.1, Sri.P.Srinivasa Rao, learned Counsel for Respondent No.2, and of Sri N.Siva Reddy, learned Counsel for Respondent No.3, and the Court made the following.

ORDER:

Rule nisi. Call for records. Notice returnable in four weeks.

List for final hearing in due course.

Interim order passed earlier to continue.

//TRUE COPY//

Sd/- A. Surya Prakash Rao
DEPUTY REGISTRAR
SECTION OFFICER

To

1. One CC to SRI.P.VIKRAM, Advocate [OPUC]
2. One CC to SRI.P.SRINIVASA RAO, Advocate [OPUC]
3. One CC to SRI.N.SIVA REDDY, Advocate [OPUC]
4. Two CCs to GP FOR ENERGY, High Court Of Andhra Pradesh. [OUT]
5. Two spare copies

tvr

86

HIGH COURT

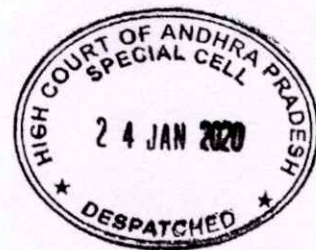
HCJ & MVRJ

DATED:30-12-2019

ORDER

WP.No.5706 of 2019

EXTENSION OF EARLIER DIRECTION



IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(Special Original Jurisdiction)

**MONDAY, THE THIRTIETH DAY OF DECEMBER,
TWO THOUSAND AND NINETEEN**

:PRESENT:

THE HONOURABLE THE CHIEF JUSTICE SRI JITENDRA KUMAR MAHESHWARI
AND

THE HONOURABLE SRI JUSTICE M. VENKATA RAMANA



WRIT PETITION No. 13860 of 2019

Between :-

1. M/s.Axis Wind Farms (MPR Dam) Pvt. Ltd., A Company incorporated under the Companies Act, 1956 And having its office at Plot No.A2, Dwaraka Vilas, Anantapur, Andhra Pradesh - 515 001. Rep.by its Authorized Signatory, Mr.Suryanarayana Peri
2. M/s.JED Solar Parks Pvt. Ltd., A Company incorporated under the Companies Act, 1956 And having its office at D Block, Flat No.55, Dwaraka Villas, Anantapur, Andhra Pradesh - 515 001. Rep.by its Authorized Signatory, Mr.Suryanarayana Peri
3. M/s.Vayuputra Energy Pvt. Ltd., A Company incorporated under the Companies Act, 1956 And having its office at Plot D-46, Dwaraka Vilas, Ananthapur, Anantapur, Andhra Pradesh - 515 001, Rep.by its Authorized Signatory, Mr.Suryanarayana Peri
4. M/s.Rayalaseema Wind Energy Company Pvt. Ltd., A Company incorporated under the Companies Act, 1956 And having its office at Plot D-46, Dwaraka Villas, Anantapur, Andhra Pradesh - 515 001. Rep.by its Authorized Signatory, Mr.Suryanarayana Peri
5. M/s.SEI Sriram Power Pvt. Ltd., A Company incorporated under the Companies Act, 1956 And having its office at Lepakshi, Survey No.251, Kurmool, Andhra Pradesh - 515 331. Rep.by its Authorized Signatory, Mr.Suryanarayana Peri
6. M/s.Greenko Solar Power (Dharmavaram) Limited, (Formerly known as Rain Coke Ltd), A Company incorporated under the Companies Act, 2013 And having its office at 450/3E, Dharmavaram Mandal, Anatahpur, Andhra Pradesh - 515 671, Rep.by its Authorized Signatory, Mr.Suryanarayana Peri
7. M/s.Guttaseema Wind Energy Company Private Ltd., (Formerly known as Advaita Wind Energy Ventures Private Limited), A company incorporated under the Companies Act, 1956 And having its registered office at Office at Plot No. 1366, Road No. 45, Jubilee Hills, Hyderabad - 500 033. Rep.by its Authorized Signatory, Mr.Suryanarayana Peri
8. M/s.Saipuram Wind Energies Pvt. Ltd., A company incorporated under the Companies Act, 1956 And having its registered office at Office at Plot No. 1366, Road No. 45, Jubilee Hills, Hyderabad - 500 033. Rep.by its Authorized Signatory, Mr Suryanarayana Peri

..Petitioners

AND

1. State of Andhra Pradesh, Represented by its Principal Secretary, Electricity Department, Andhra Pradesh Secretariat, Velagapudi, Amaravathi. Guntur District - 522 503.
2. Andhra Pradesh Electricity Regulatory Commission, 11-4-660, 4th Floor, Singareni Bhavan, Red Hills Road, Khairatabad, Hyderabad, Telangana 500004.
3. AP State Load Dispatch Center Transmission Corporation, of Andhra Pradesh Limited 3rd Floor, APSLDC Building, Vidvut Soudha, Gunadala, Vijayawada, AP -520004

..Respondents.
Contd....2...

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a writ in the nature of Mandamus or any other appropriate writ order or direction:

- a. to declare the Regulation issued by Respondent No.2 i.e., APERC Forecasting, Scheduling and Deviation Settlement of Solar and Wind Generation Regulation, 2017 (Regulation No.4 of 2017) dated 21.08.2017 and consequential proceedings issued by Respondent No. 3 i.e., Procedure for implementation of DSM for Wind and Solar generation as per Regulation. 4 of 2017 of Honble APERC, as arbitrary, discriminatory, unreasonable and ultra vires to the Constitution of India;
- b. to declare the action of Respondent No.3 in issuing the following Notices i.e.,
(1) Notice, dated 27.08.2019 vide Lr.No.ED/SLDC/SE(EB C)/EE/AO/D SM/F .No.14/D .No.397/2019 to Petitioner No.1(2) Notice, dated 27.08.2019 vide Lr.No.ED/SLDC/SE(EBC)/EE/AO/DSM/F.No.14/D.No.423/2019 to Petitioner No.2(3) Notice, dated 29.08.2019 vide Lr.No.ED/SLDC/SE(EBC)/EE/AO/DSM/F.No.14/D.No.488/2019 to Petitioner No.3(4) Notice, dated 28.08.2019 vide Lr.No.ED/SLDC/SE(EBC)/EE/AO/DSM/F.No.14/D.No.458/2019 to Petitioner No.4(5) Notice, dated 14.08.2019 vide Lr.No.ED/SLDC/SE(EBC)/EE/AO/DSMIF.No.14/D.No.356/2019 to Petitioner No.5(6) Notice, dated 14.08.2019 vide Lr.No.ED/SLDC/SE(EBC)/EE/AO/DSM/F.No.14/D.No.348/2019 to Petitioner No.6 as arbitrary, illegal, unconstitutional and also violative of principles of natural justice;

I.A No. 2 of 2019 :-

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the Respondent No. 3 not to take any coercive action against the Petitioners including and not limited to encashment of the Bank Guarantees i.e.,
(1). BG.No.0505518BG0003450, dated 04.08.2018 for an amount of Rs. 46,80,000/-furnished by Petitioner No. 1; (2).BG.No. 0505518BG0003344, dated 31.07.2018 for an amount of Rs. 10,80,000/- furnished by Petitioner No.2; (3). BG. No. 0505518BG0003448, dated 04.08.2018 for an amount of Rs. 57,82,500/-jointly furnished by Petitioner No. 3 and 7; (4).BG.No.0505518BG0003447, dated 04.08.2018 for an amount of Rs. 4,50,000/- jointly furnished by Petitioner No. 4; (5). BG. No.-0505518BG0003348, dated 31.07.2018 for an amount of Rs.4,14,000/- furnished by Petitioner No. 5; (6).BG.No.0505518BG0003347, dated 31.07.2018 for an amount of Rs. 4,95,000/- jointly furnished by Petitioner No. 6, pending disposal of Writ Petition No.13860 of 2019, on the file of the High Court..

I.A No. 1 of 2019 :-

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to Suspend the operation and effect of Notice(s) issued by the Respondent No.3 i.e., (1) Notice, dated 27.08.2019 vide Lr.No.ED/SLDC/SE(EBC) / EE/AO /DSM / F.No.14 / D.No.397 / 2019 to Petitioner No.1; (2) Notice, dated 27.08.2019 vide Lr.No.ED /SLDC/ SE(EBC)/EE/AO/DSM/F.No.14 / D.No.423 / 2019 to Petitioner No.2; (3) Notice, dated 29.08.2019 vide Lr.No.ED /SLDC/ SE (EBC)/ EE/AO/DSM/F.No.14/ D.No.488/2019 to Petitioner No.3; (4) Notice, dated 28.08.2019 vide Lr.No.ED/SLDC / SE (EBC)/ EE /AO / DSM/F.No.14/D.No.458/2019 to Petitioner No.4; (5) Notice, dated 14.08.2019 vide Lr.No.ED/ SLDC/SE (EBC)/EE/ AO/DSM /F.No.14/ D. No.358/2019 to Petitioner No.5; (6) Notice, dated 14.08.2019 vide Lr. No.ED / SLDC / SE (EBC) / EE/AO /DSM/F.No.14/D.No.348/2019 to Petitioner No.6, pending disposal of Writ Petition No.13860 of 2019, on the file of the High Court.

Contd....3...

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and order of High Court dt. 19-09-2019, 17-10-2019 made herein and upon hearing the arguments of SRI.P.VIKRAM Advocate for the petitioners, learned GP for ENERGY for Respondent No.1, Sri.P.Srinivasa Rao, learned counsel, takes notice for respondent No.2 and Sri Y.Nagi Reddy, learned counsel, takes notice for respondent No.3, the Court made the following.

ORDER :-

Rule nisi. Call for records. Notice returnable in four weeks.
List for final hearing in due course.
Interim order passed earlier to continue.

Sd/- A. Surya Prakash Rao
DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. One CC to SRI.P.VIKRAM, Advocate [OPUC]
2. One CC to SRI.P.SRINIVASA RAO, STANDING COUNSEL (OPUC)
3. One CC to SRI.Y.NAGI REDDY, STANDING COUNSEL (OPUC)
4. Two CCs to GP FOR ENERGY, High Court Of Andhra Pradesh. [OUT]
5. One spare copy

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HIGH COURT

126.

HC.J & MVRJ

DATED:- 30.12.2019.

ORDER

W.P.No.13860 of 2019

EXTENDING THE
INTERIM ORDER



[3135]

HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(SPECIAL ORIGINAL JURISDICTION)

MONDAY, THE THIRTIETH DAY OF DECEMBER,
TWO THOUSAND AND NINETEEN

:PRESENT:

THE HONOURABLE THE CHIEF JUSTICE SRI JITENDRA KUMAR MAHESHWARI
AND

THE HONOURABLE SRI JUSTICE M. VENKATA RAMANA



WRIT PETITION No. 15513 of 2019

Between :-

1. M/s. Animala Wind Power Private Limited, A company incorporated under the Companies Act, 1956 And having its registered office at Plot No.1366, Road No.45 Jubilee Hills, Hyderabad, Telangana - 500 033 Rep by its Authorized Signatory Mr.Suryanarayana Peri
2. M/s Anantapura Wind Energies Private Limited, A Company incorporated under the Companies Act, 1956 And having its office at Plot No.1071, Road No.44 Jubilee Hills, Hyderabad, Telangana - 500 033 Rep by its Authorized Signatory Mr.Suryanarayana Peri
3. M/s Sandia Wind Project Private Limited, A Company incorporated under the Companies Act, 1956 And having its office at 72, Madhuban, NR, Madlapur Under Bridge, Ellisbridge, Ahmedabad - 380 006 Rep by its Authorized Signatory Mr.Suryanarayana Peri
4. M/s SEI Green Flash Private Limited, A Company incorporated under the Companies Act, 1956 And having its office at 10th Floor, Menon Eternity, Old No.110, New No.165, St.Marys Road, Alwarpet, Chennai - 600 018, Tamilnadu Rep by its Authorized Signatory Mr.Suryanarayana Peri
5. M/s Skeiron Renewable Energy Amidyala Limited, A Company incorporated under the Companies Act, 1956 And having its office at Plot No. Godrej Millennium, 5th Floor, 9, Koregaon Park Road, Pune - 411 001, Maharashtra Rep by its Authorized Signatory Mr.Suryanarayana Peri
6. M/s Orange Anantapur Wind Power Private Limited, A Company incorporated under the Companies Act, 1956 And having its office at F-9, 1st Floor, Manish Plaza, Plot No.7, MLU, Sector - 10, Dwaraka, New Delhi - 110 075 Rep by its Authorized Signatory Mr.Suryanarayana Peri
7. M/s Zuvan Energy Private Limited, A Company incorporated under the Companies Act, 2013 And having its office at Menon Eternity, 10th Floor, New No.165, Old No.110, St.Marys Road, Alwarpet, Chennai - 600 018, Rep by its Authorized Signatory Mr.Suryanarayana Peri
8. M/s Divyesh Power Private Limited, A Company incorporated under the Companies Act, 2013 And having its office at Menon Eternity, 10th Floor, New No.165, Old No.110, St.Marys Road, Alwarpet, Chennai - 600 018, Rep by its Authorized Signatory Mr.Suryanarayana Peri
9. M/s SEI Baskara Power Private Limited, A Company incorporated under the Companies Act, 2013 And having its office at Menon Eternity, 10th Floor, New No.165, Old No.110, St.Marys Road, Alwarpet, Chennai - 600 018. Rep. by its Authorized Signatory Mr.Suryanarayana Peri
10. M/s SEI EnerStar Renewable Energy Private Limited, A Company incorporated under the Companies Act, 2013 And having its office at Menon Eternity, 10th Floor, New No.165, Old No.110, St.Marys Road, Alwarpet, Chennai - 600 018 Rep by its Authorized Signatory Mr.Suryanarayana Peri

..Petitioners

AND

1. State of Andhra Pradesh, Department of Energy, Represented by its Principal Secretary, To Energy Infrastructure and Investment, Andhra Pradesh Secretariat, Velagapudi, Amaravathi. Guntur District - 522 503.
2. Andhra Pradesh Electricity Regulatory Commission, 11-4-660, 4th Floor, Singareni Bhavan, Red Hills Road, Khairatabad, Hyderabad, Telangana 500004.
3. AP State Load Dispatch Center, Transmission Corporation of Andhra Pradesh Limited, 3rd Floor, APSLDC Vidyut Soudha, Gunadala, Vijayawada, AP -520004.

..Respondents.

Contd.2...

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a writ in the nature of Mandamus or any other appropriate writ order or direction- a. to declare the Regulation issued by Respondent No.2 i.e., APERC Forecasting, Scheduling and Deviation Settlement of Solar and Wind Generation Regulation, 2017 (Regulation No.4 of 2017) dated 21.08.2017 and consequential proceedings issued by Respondent No. 3 i.e., Procedure for implementation of DSM for Wind and Solar generation as per Regulation. 4 of 2017 of Hon'ble APERC, as arbitrary, discriminatory, unreasonable and ultra vires to the Constitution of India and as contrary to the provisions of the Electricity Act, 2003, b. to declare the action of Respondent No.3 in issuing the following Notices i.e., (i) Notice dated 27.08.2019 vide Lr.No.ED/SLDC/SE(EBC)/EE/AO/DSM/F.No.14/D.No.395/2019 to Petitioner No.1, (ii) Notice dated 27.08.2019 vide Lr.No.ED/SLDC/SE(EBC)/EE/AO/DSM/F.No.14/D.No.394/2019 to Petitioner No.2 (iii) Notice dated 28.08.2019 vide Lr.No.ED/SLDC/SE(EBC)/EE/AO/DSM/F.No.14/D.No.468/2019 to Petitioner No.3 (iv) Notice dated 28.08.2019 vide Lr.No.ED/SLDC/SE(EBC)/EE/AO/DSM/F.No.14/D.No.354/2019 to Petitioner No.4 (v) Notice dated 28.08.2019 vide Lr.No.ED/SLDC/SE(EBC)/EE/AO/DSM/F.No.14/D.No.468/2019 to Petitioner No.5 (vi) Notice dated 28.08.2019 vide Lr.No.ED/SLDC/SE(EBC)/EE/AO/DSM/F.No.14/D.No.441/2019 to Petitioner No.6 (vii) Notice dated 14.08.2019 vide Lr.No.ED/SLDC/SE(EBC)/EE/AO/DSM/F.No.14/D.No.361/2019 to Petitioner No.7 (viii) Notice dated 14.08.2019 vide Lr.No.ED/SLDC/SE(EBC)/EE/AO/DSM/F.No.14/D.No.345/2019 to Petitioner No.8 (ix) Notice dated 14.08.2019 vide Lr.No.ED/SLDC/SE(EBC)/EE/AO/DSM/F.No.14/D.No.352/2019 to Petitioner No.9 and (x) Notice dated 14.08.2019 vide Lr.No.ED/SLDC/SE(EBC)/EE/AO/DSM/F.No.14/D.No.353/2019 to Petitioner No.10 as arbitrary, illegal, unconstitutional and also violative of principles of natural justice.

I.A No. 1 of 2019 :-

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of W.P., the High Court may be pleased to direct the Respondent No. 3 not to take any coercive action against the Petitioners including and not limited to encashment of the Bank Guarantees i.e., (1). BG. No. 0505518BG0003451, dated 04.08.2018 for an amount of Rs. 35,10,000/- furnished by Petitioner No. 1, (2). BG. No. 0505518BG0003449, dated 04.08.2018 for an amount of Rs. 4,50,000/-furnished by Petitioner No.2, (3). BG. No. 0505518BG0003350, dated 31.07.2018 for an amount of Rs. 6,88,500/- furnished by Petitioner No.4- (4) BG. No. 01720BG18015581, dated 13.08.2018 for an amount of Rs. 1,35,00,000/- furnished by Petitioner No.6, (5). BG. No. 0505518BG0003432, dated 03.08.2018 for an amount of Rs. 11,25,000/-furnished by Petitioner No.7, (6). BG. No. 0505518BG0003340, dated 31.07.2018 for an amount, of R\$. 11,25,000/- furnished by Petitioner No.8, (7). BG. No. 0505518BG0003342, dated 31.07.2018 for an amount of Rs. 11,25,000/- furnished by Petitioner - No.9 and (8). BG. No. 0505518BG0003338, dated 31.07.2018 for an amount of Rs. 11,25,000/-furnished by Petitioner No.10 pending disposal of W.P. No. 15513 of 2019, on the file of the High Court.

I.A No. 2 of 2019 :-

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of W.P., the High Court may be pleased to suspend the operation and effect of Notice(s) issued by the Respondent No.3 i.e., (i) Notice dated 27.08.2019 vide Lr.No.ED/SLDC/SE(EBC)/EE / AO/DSM/F.No.14 / D.No.395 / 2019 to Petitioner No.1; (ii) Notice dated 27.08.2019 vide Lr.No.ED/SLDC/SE(EBC)/EE/AO/DSM / F.No.14/D.No.394/2019 to Petitioner No.2; (iii) - Notice dated 28.08.2019 vide Lr.No.ED/ SLDC / SE (EBC)/EE/AO/DSM/F.No.14/D.No.468/2019 to Petitioner No.3; (iv) Notice dated 28.08.2019 vide Lr.No.ED/SLDC/SE(EBC)/EE/AO/DSM/F.No.14/D.No.354/2019 to Petitioner No.4; (v) Notice dated 28.08.2019 vide Lr.No.ED / SLDC/SE(EBC)/EE/AO/DSM/F.No.14/D.No.468/2019 to Petitioner No.5; (vi) Notice' dated 28.08.2019 vide Lr.No.ED/SLDC/SE(EBC)/EE/AO /DSM/F.No.14 / D.No.441 / 2019 to Petitioner No.6; - (vii) Notice dated 14.08.2019 vide Lr.No.ED/SLDC/SE(EBC)/EE/AO/DSM/F.No.14/D.No.361/2019 to Petitioner No.7; (viii) Notice dated 14.08.2019 vide Lr.No.ED / SLDC/SE(EBC)/EE / AO/DSM/F.No.14 / D.No.345 / 2019 to Petitioner No.8; (ix) Notice dated 14.08.2019 vide Lr.No.ED/SLDC/SE(EBC)/ EE/AO/DSM/F.No.14/D.No.352/2019 to Petitioner No.9 and (x) . Notice . dated 14.08.2019 vide Lr.No.ED/SLDC/SE(EBC)/EE/AO/DSM/F.No.14/D.No.353/2019 to Petitioner No.10 pending disposal of this writ petition pending disposal of the above writ petition and to pas, pending disposal of WP No. 15513 of 2019, on the file of the High Court.

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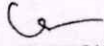
The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and order of High Court dt. 01-10-2019 & 17-10-2019 and upon hearing the arguments of SRI P. Vikram, Advocate for Petitioner and of the G.P. for Energy on behalf of respondent No.1 and Sri P. Srinivasa Rao, Standing Counsel for Respondent No.2 ad Sri Y. Nagi Reddy, Standing Counsel for Respondent No.3, the court made the following

ORDER

**Rule nisi. Call for records. Notice returnable in four weeks.
List for final hearing in due course.
Interim order passed earlier to continue.**

//TRUE COPY//

**Sd/- K. MURALI
ASSISTANT REGISTRAR**


for ASSISTANT REGISTRAR

To

1. Two CCs to the G.P for Energy, High Court of A.P., (OUT)
2. One CC to Sri P. Vikram, Advocate(OPUC)
3. One CC to Sri P. Srinivas Rao, Standing Counsel(OPUC)
4. One CC to Sri Y. Nagi Reddy, Advocate(OPUC)
5. Two spare copies.

tvr

HIGH COURT

HC.J & MVRJ

DT. 30.12.2019

ORDER

W.P.No. 15513 of 2019.



**EXTENDING THE
INTERIM ORDER**