

**BEFORE THE A.P. STATE ELECTRICITY REGULATORY COMMISSION**

**WEDNESDAY, THE 20<sup>th</sup> DAY OF APRIL  
TWO THOUSAND TWENTY TWO**

**PRESENT:**

**HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY, CHAIRMAN  
SRI P. RAJAGOPAL REDDY, MEMBER  
SRI THAKUR RAMA SINGH, MEMBER**

**IA No.2 of 2021 in OP No. 119 of 2021**

**M/s Ostro Andhra Wind Private Limited Vs. APSLDC & Others**

(Interlocutory Application seeking Urgent and Interim Directions under Section 94(2) of the Electricity Act, 2003 read with applicable regulations issued by the Hon'ble Commission).

**IA No. 2 of 2021 in OP No. 120 of 2021**

**M/s Ostro AP Wind Private Limited Vs. APSLDC & Others**

(Interlocutory Application seeking Urgent and Interim Directions under Section 94(2) of the Electricity Act, 2003 read with applicable regulations issued by the Hon'ble Commission)

**IA No.2 of 2021 in OP No. 121 of 2021**

**M/s Helios Infratech (P) Ltd. Vs. APSLDC & Others**

(Interlocutory Application seeking Urgent and Interim Directions under Section 94(2) of the Electricity Act, 2003 read with applicable regulations issued by the Hon'ble Commission).

Counsel for the Petitioners: Sri D. Prakash Reddy, Senior Counsel.

Counsel for the Respondents: Sri P. Shiva Rao, learned Standing Counsel.

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**COMMON ORDER:-**

Heard Sri D. Prakash Reddy, Senior Counsel for the petitioners, and Sri P. Shiva Rao, learned Standing Counsel for the Respondents.

These OPs are filed mainly with twin grievances, viz., (1) that the respondents are not commissioning 220 KV Pampanoor-Thanda Sub-Station; and (2) pending

commissioning of the Pampanoor-Thanda sub-station, the respondents have been curtailing the petitioners' power by meting out discriminatory treatment between the petitioner and the other developers on the ground that the petitioners are temporary connections.

One of the prayers sought for by the petitioners is not to curtail evacuation of power from the wind energy plants of the petitioners, except in case of substantiated and justifiable Grid Security Conditions, based on parity and parameters applicable there-at.

When these petitions came up before us on 06-4-2022, we adjourned the cases calling upon the learned Standing Counsel for the respondents to report the timeline of the commissioning of the Pampanoor-Thanda Sub-Station. In compliance with the same, the Chief Engineer, APTRANSCO, Zone-Kadapa, filed an affidavit, wherein he has, *inter alia*, stated that in the Pampanoor-Thanda Sub-Station all works were completed except integration of SAS Panel and 2x1 MVA PTRs to be allotted by APTRANSCO; and in 220 KV TMDC line from 400 KV SS Hindupur to 220 KV SS Pampanoor-Thanda 70% work is completed; stringing work is under progress and 02 No's foundations and 02 No's tower erection are under ROW problems; and that the matter is being pursued with Revenue and Police authorities for solving ROW issues. The tentative timeline for commissioning of 220 KV SS, Pampanoor-Thanda is integrated towards the end of September, 2022 as requested by KMV Projects Limited, Hyderabad, (Contractor), who is executing the said work.

Mr. D. Prakash Reddy, learned Senior Counsel for the petitioners, submitted that while the petitioners are prepared to wait for commissioning of Pampanur-Thanda sub-station, the respondents have been unjustly curtailing power

from the petitioners' plants only by treating them as differently from the other developers having permanent connections because the petitioners' are only temporary connections. He has invited our attention to letter dated 15-6-2016, wherein respondent No.2 has accorded evacuation permission for the petitioners' unit, subject to certain conditions. The learned Senior Counsel submitted that except the condition that the total capacity shall be shifted and reconnected to the upcoming 220 KV sub-station at Pampanur-Thanda on permanent basis, no other condition specific to the petitioners as regards curtailment has been stipulated. The learned Senior Counsel further submitted that his client is agreeable to curtailment of power as per Clause-VI of the said letter, which applies to all the developers and that the petitioner cannot be treated differently merely because it holds temporary connection.

Sri P.Shiva Rao, learned Standing Counsel for the respondents, submitted that the petitioner being a temporary connection holder cannot claim parity with the other developers.

We have called upon the learned Standing Counsel to point out any condition either in the letter dated 15-6-2016 or in any other proceeding whereunder the petitioner is treated differently from the other developers, who have permanent connection with the 220 KV Borampalli sub-station on the aspect of curtailment. While not being able to show any such condition, the learned Standing Counsel sought for an adjournment for further instructions in this regard.

Prima facie, we are of the opinion that, in the absence of specific condition stipulated in case of the petitioners, the petitioners cannot be treated differently from the others in the matter of curtailment of power. Therefore, we find the elements of

prima facie case and balance of convenience in favour of the petitioners for granting an interim direction.

Accordingly, pending further orders, the respondents are directed to treat the petitioners on par with the other developers connected to 220 KV Borampalli sub-station in the case of backing down of power generation as per grid constraints.

Call on 12-10-2022.for reporting on the progress of the construction of the Pampanur-Thanda Sub-station.

Sd/-

**Thakur Rama Singh**  
Member

Sd/-

**Justice C.V. Nagarjuna Reddy**  
Chairman

Sd/-

**P. Rajagopal Reddy**  
Member