

BEFORE THE HONOURABLE ANDHRA PRADESH ELECTRICITY
REGULATORY COMMISSION
AT ITS OFFICE AT IVth FLOOR, SINGARENI BHAVAN, RED HILLS, HYDERABAD

Filing No. /2019

O.P.No /2019

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Date: 02.05.2019

Hyderabad

Counsel for the Petitioner

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**BEFORE THE HONOURABLE ANDHRA PRADESH STATE
ELECTRICITY REGULATORY COMMISSION**
AT ITS OFFICE AT IV TH FLOOR, SINGARENI BHAVAN,
RED HILLS, HYDERABAD

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FILING NO. /2019

IN

CASE NO. O. P. No /2019

In the matter of : Petition under Section 63 of the Electricity Act 2003 R/w
APERC Conduct of Business Regulation 1999 for
approval of tariff for the additional capacity of 4.5 MW of
the petitioner's solar power project as determined through
a competitive bidding process.

And

In the matter of:

Between:

M/s.Palnadu Solar Power Pvt. Ltd.

A Company Incorporated under Companies Act, 2013

Having its registered office at Plot No 7, Sai Towers,
4th lane, Brundavan Gardens, Guntur-522006.

Represented by its Director Mrs.Sujatha Seelam, W/o.J.D.Seelam,
Aged about 63 Years.

...Petitioner

And

**1. Andhra Pradesh Southern Power Distribution
Company Ltd., (APSPDCL)**

D.NO:19-13-65/A, Corporate Office, Ragavendra Nagar,
Kesavayana Gunta, Tiruchanoor Road,
Tirupati – 517501.

Rep. by Chairman and Managing Director

2. The Chief Engineer,

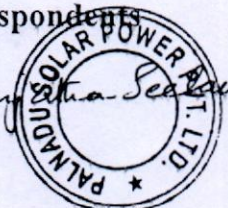
APPCC, APTRANSCO, Vidyut Soudha,
Vijayawada - 520008.

3. The Chief General Manger, (Projects & IPC),

APSPDCL, D.NO:19-13-65/A, Corporate Office,
Ragavendra Nagar,

Kesavayana Gunta, Tiruchanoor Road,
Tirupati – 517501.

... Respondents

Sujatha Seelam


(2)

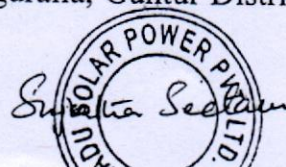
**PETITION FILED UNDER SECTION 63 of ELECTRICITY ACT, 2003 &
APERC (Conduct of Business) Regulation, 1999**

The Petitioners above-named most respectfully submit as under:

This petition is filed under section 63 of the Electricity Act, 2003 (the "Act") r/w APERC (Conduct of Business) Regulation, 1999 and that the subject matter of the petition is within the jurisdiction of the Hon'ble Commission.

FACTS OF THE CASE:

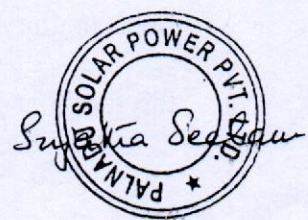
1. The petitioner is a company incorporated under the provisions of the Companies Act, 2013 having its registered office at Plot No 7, Sai Towers, 4th lane, Brundavan Gardens, Guntur-522006 , and *inter alia* is engaged in the business of generation and sale of Non-Conventional Energy i.e. Solar Power to the AP Discoms.
2. M/s. Annapurna Hydro Power Private Limited ("Parent Company") had participated in the bid issued by the respondents for procurement of 1000 MW Solar Power through the competitive bidding route vide Bid No.1/2012-13/CE/IPC/APPCC/V.S./Hyd for setting up a 5 MW capacity Solar Power project connected to the 33 kV SS at Chejarla, Piduguralla, Guntur District, Andhra Pradesh, i.e., Location 17(e) of the aforementioned bid. The 2nd respondent vide letter dated 04.05.2013 had approved the bid of the Parent Company at a tariff of Rs.6.49 per unit, and had requested the Parent Company to indicate its willingness to execute additional quantum of solar power at the same location and at the same rate. The Parent Company replied by way of letter dated 03.06.2013 accepting its willingness to execute an additional capacity of 5 MW at the same location, i.e., at the 33kV SS at Chejarala, Piduguralla, Guntur District. The



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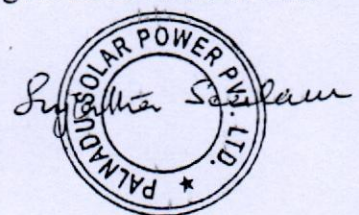
Parent Company once again reiterated its willingness to execute the additional 5 MW making the total capacity 10 MW vide its letter dated 18.07.2013.

3. It is submitted that in response to the above stated representations and reminders of the Parent Company, the 2nd respondent issued a letter dated 25.07.2013 agreeing to the same, informed that the proposed combined 10 MW project would have to be connected to the 132 kV SS at Piduguiralla or, two separate projects of 5 MW each could be connected to the proposed injection point, i.e., the 33kV SS at Chejarla, and requested it to clarify on the injection points and the capacity to be connected to the SS.
4. It is submitted that meanwhile, the 2nd respondent vide letter dated 17.08.2013 issued a Letter of Intent for the first 5 MW project at a tariff of Rs.6.49 per unit to be connected to the 33kV SS at Chejarla.
5. It is submitted that vide letter dated 17.09.2013, the Parent Company had brought to the notice of the 2nd respondent that while it had strictly adhered to all the timelines in so far as the first 5 MW project was concerned and for which an LoI had been issued, that due to certain extraneous factors, including the strike of government employees due to the political scenario prior to the bifurcation of the State, it was facing certain difficulties to set up the additional 5 MW project. As such, the Parent Company requested the 2nd respondent to give some reasonable extension of time to execute a PPA for the entire quantum of 10 MW.



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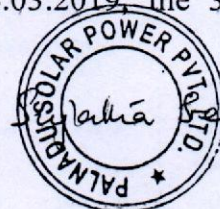
6. It is submitted that in the meantime, the petitioner company, had been incorporated as Special Purpose Vehicle of the Parent Company for the purpose of executing the solar power projects of a total quantum of 10 MW. The PPA for the first 5 MW Project was executed by the petitioner company and the 1st respondent on 31.05.2014. Eventually, the Parent Company vide letter dated 09.06.2014 informed the 2nd respondent that it had acquired 25 acres of land near the original project which would come under the 132 kV Piduguralla SS, and requested for arranging the LoI for the additional 5 MW.
7. It is submitted that vide letter dated 24.05.2016, the petitioner company informed the 2nd respondent that it had commissioned the initial 5 MW project on 31.03.2016, and requested the 2nd respondent to issue an LoI for the additional 5 MW and to condone the delay. The 2nd respondent had replied vide letter dated 04.07.2016 stating that fresh tenders had been floated in 2014, and that the 2012 bidding process had been concluded, and rejected the request of the petitioner.
8. It is submitted that the petitioner had vide representation dated 14.07.2016 to the Principal Secretary (Energy), Govt. of A.P., while stating the difficulties faced by the petitioner due to various issues, including the bifurcation of the State, requested to condone the delay and to consider arranging the LoI for the additional 5 MW capacity. The petitioner made another two representations dated 09.11.2016 and 30.11.2017 on similar lines to the Principal Secretary (Energy), Govt. of A.P., while reiterating the fact that it had already procured land admeasuring 25 acres in 2014 next



to the existing 5 MW operational project, and that the existing evacuation facilities would suffice to offtake the additional 5 MW capacity.

9. It is submitted that vide letter dated 12.04.2018, the 2nd respondent had informed the petitioner that the Govt. of AP had not considered the petitioner's request for award of LoI for the additional 5 MW. It is submitted that the petitioner replied to the same vide letter dated 05.06.2018, and the petitioner once again requested the 2nd respondent to condone the delay and to award the LoI for the additional 5 MW in view of various extraneous factors that the petitioner had no control over. The petitioner also informed the 2nd respondent that it had procured land and had also entered into an EPC contract for the supply of solar modules and their erection. The petitioner also vide representation dated 25.02.2019 to the Principal Secretary (Energy), Govt. of A.P., intimated that the petitioner had been reiterating its willingness for the past 4 years through various letters and representations, and that it had fulfilled its commitments by 09.06.2014, well before any fresh bidding was conducted by the 1st respondent, and accordingly requested that the LoI be issued for the additional 5 MW as part of the original bid dated 07.02.2013.

10. It is submitted that the Principal Secretary, Energy (Infrastructure and Investment) Dept., Government of A.P. vide Letter No.108/Pr.II(2)/2018-2 dated 06.03.2019 had approved in principle the request of the petitioner for condoning the delay and award of LoI for establishing an additional 4.5 MW capacity at Chejarla Injection Point in the location of the 132 kV Piduguralla SS, Guntur District, and directed the DISCOM to take necessary action. Pursuant to the said letter dated 06.03.2019, the 3rd



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respondent issued a conditional Letter of Intent dated 08.03.2019 for a capacity of 4.5 MW and directed the petitioner to file a petition before this Hon'ble Commission for the tariff after which a PPA would be executed by the 1st respondent.

11. It is submitted that for the present tariff being sought for approval by this Hon'ble Commission for the additional 4.5 MW capacity of the petitioner's project at Chejerla has been discovered through a transparent competitive bidding process by the APTRANSCO, and a PPA for the initial 5 MW capacity has already been entered into at the same tariff. The petitioner's proposal to execute an additional 5 MW capacity had been accepted by the DISCOM in 2013 itself, much prior to the new bidding undertaken by the 1st respondent vide RfS (Bid) No. APSPDCL/02/LTSP/2014 dated 14.08.2014. The petitioner has already invested substantial amounts into the acquisition of land and the procurement and erection of solar modules, and therefore the discovered tariff of Rs.6.49 per unit may be approved by this Hon'ble Commission as stipulated under S.63 of the Electricity Act, 2003.

LIMITATION

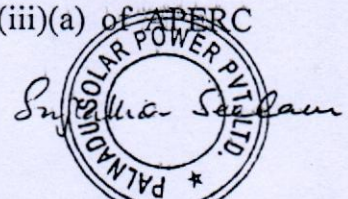
It is humbly submitted that the present Petition is well within the period of limitation.

JURISDICTION

It is submitted that this Hon'ble Commission is having jurisdiction to decide and determine the claim of the Petitioner Company.

COURT FEES

The present petition is filed under S.63 of the Electricity Act, 2003 and the fee payable for such Petition is governed by Clause-4(iii)(a) of APERC

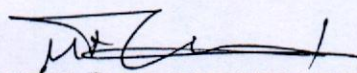


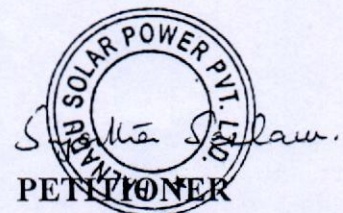
Regulation No. 1 of 2005 as amended by APERC Regulation No.11 of 2013 which specifies fees as Rs.12,500/- per MW in case of renewable energy generators. The present petition has been filed for the approval of tariff for 4.5 MW of Solar Power, as such the fee of Rs.56,250/- is paid herewith.

PRAYER

In these circumstances and for the facts and reasons stated above it is therefore prayed that this Hon'ble Commission may be pleased to:

- a. Approve the tariff of Rs.6.49/- for the additional 4.5 MW of the petitioner's solar power project connected to the 33 kV SS at Chejarla, Guntur District, Andhra Pradesh, which tariff was arrived at by way of transparent competitive bidding conducted by APTRANSCO vide Bid No.1/2012-13/CE/IPC/APPCC /V.S./Hyd.
- b. Pass such other order or orders as this Hon'ble Commission deem fit and proper in the interest of justice.

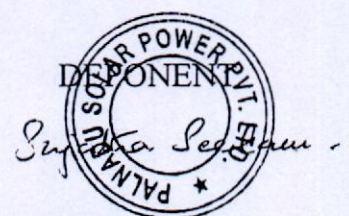

COUNSEL FOR PETITIONER


PETITIONER

VERIFICATION

I, Mrs.Sujatha Seelam, W/o.J.D.Seelam, being the Managing Director of the Petitioner herein, do hereby declare that the contents of Para Nos.(1 to 9) of the Petition are true to my personal knowledge and the remaining Para No's (10 to 11) are based on legal advice, believed to be correct. Verified at Hyderabad on this the 1st day of May,2019.

ADVOCATE
HYDERABAD
Date: 01.05.2019


DEPONENT

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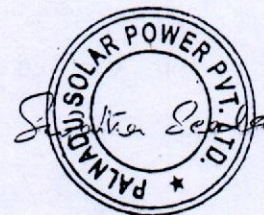
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Vijayawada - 520008.

3. The Chief General Manger, (Projects & IPC),

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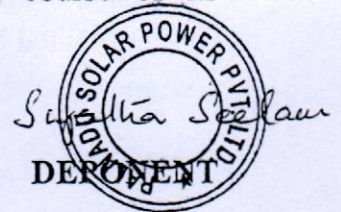
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... Respondents

AFFIDAVIT

I, Mrs.Sujatha Seelam, W/o.J.D.Seelam, aged about 63 years, do hereby solemnly and sincerely affirm and state on oath as follows:

1. I say that I am the Managing Director of the Petitioner herein and I am fully conversant with the facts and circumstances of the present case and I have been duly authorized and am, therefore, competent to affirm this affidavit.
2. I say that I have read the accompanying Petition and have understood the contents thereof and I say that the same has been drafted under my instructions. I say that the contents therein are true and correct based on the records maintained by the Petitioner Company during course of its business.

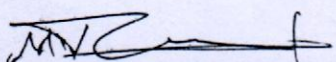


Sworn and signed before me on this the 1st of May, 2019.

M.K. VISWANATH NAIDU
ADVOCATE
05, SUBHODAYA APARTMENTS
BOGGULAKUNTA, ABIDS,
HYDERABAD-500 001.

VERIFICATION

I, Mrs.Sujatha Seelam, W/o.J.D.Seelam, aged about 63 years, the above named deponent do hereby verify that the contents of this Affidavit are true and correct to my knowledge, no part of it is false and nothing material has been concealed there from. Verified at Hyderabad on this the 1st Day of May, 2019.


COUNSEL FOR PETITIONER

