

**Record of Proceedings Dated 02-08-2023**

**OP No.1 of 2019 & Batch**

**(OP No. 1 of 2019 M/s Axis Wind Farms (Uravakonda) Pvt. Ltd.**  
**OP No. 2 of 2019 M/s Axis Wind Farms (Ahobilam) Pvt. Ltd.**  
**OP No. 3 of 2019 M/s Axis Wind Farms (Vajrakarur) Pvt. Ltd.**  
**OP No. 4 of 2019 M/s Axis Wind Farms (Pottipadu) Pvt. Ltd.**  
**OP No. 5 of 2019 M/s Axis Wind Farms (Beluguppa) Pvt. Ltd.**  
**OP No. 6 of 2019 M/s Axis Wind Farms (Penna) Pvt. Ltd.**  
**OP No. 7 of 2019 M/s Axis Wind Farms (Manirevu) Pvt. Ltd.**  
**OP No. 8 of 2019 M/s Axis Wind Farms (AP) Pvt. Ltd..**  
**OP No. 9 of 2019 M/s Axis Wind Farms (Amidyala) Pvt. Ltd.**  
**OP No. 10 of 2019 M/s Axis Wind Farms (Godavari) Pvt. Ltd.**  
**OP No. 11 of 2019 M/s Axis Wind Farms (Kalyandurg) Pvt. Ltd.**  
**OP No. 12 of 2019 M/s Axis Wind Farms (Raketla) Pvt. Ltd.**  
**OP No. 13 of 2019 M/s Axis Wind Farms (Borampalli) Pvt. Ltd.**  
**OP No. 14 of 2019 M/s Axis Wind Farms (Seerpi) Pvt. Ltd.**  
**OP No. 15 of 2019 M/s Axis Wind Farms (Golla) Pvt. Ltd.**  
**OP No. 16 of 2019 M/s Axis Wind Farms (Chapri) Pvt. Ltd.**  
**OP No. 22 of 2019 M/s SV Renewable Energy**  
**OP No. 23 of 2019 M/s Axis Wind Farms (Krishna) Pvt. Ltd.,**  
**OP No. 24 of 2019 M/s Axis Wind Farms (Tungabhadra) Pvt. Ltd.,**  
**OP No. 25 of 2019 M/s Pujaa Shree Renewable Energy Won Pvt. Ltd.**  
**OP No. 26 of 2019 M/s G T Renewable Energy)**

**Vs.**

**APSPDCL**

(Petitions filed under Sections 61(h), 62(1)(a), 64(1), 86(1)(a), 86(1)(b) and 86 (1)(e) of the Electricity Act, 2003 read with CERC (Terms and Conditions for Tariff Determination from Renewable Energy Sources) Regulations, 2017 and Section 21 of the A.P. Electricity Reform Act, 1998 to determine the tariff for wind power projects)

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Sri Deepak Chowdhary, learned counsel for the Petitioners; and Sri P.Shiva Rao, learned Standing Counsel for the Respondent, are present at the hearing.

Despite taking time for filing additional counter-affidavit, the respondent has not filed the same. Further time is sought for this purpose.

This is a matter having overwhelming public interest. The respondent is expected to be vigilant apart from zealously safeguarding its own interest and

also the public interest. However, it is regrettable to observe that, so far, the respondent has not exhibited this kind of approach. Though this is a fit case of levying heavy costs, taking a lenient view, we are inclined to grant further time as requested. The respondent shall specify its stand in unequivocal terms having regard to drastic turn of events after 2019, including the changed policy of buying power through competitive bidding process.

Call on 20-9-2023.

**Sd/-  
MEMBER/PVRR**

**Sd/-  
CHAIRMAN**

**Sd/-  
MEMBER/TRS**

**OP No. 29 of 2023**

**M/s Hetero Wind Power (Pennar) Pvt. Ltd. Vs. APSPDCL & APPCC**

(Petition filed under Sections 86(1)(f) and (e) of the Electricity Act, 2003 read with Clause- 8 of the Andhra Pradesh Electricity Regulatory Commission (Conduct of Business) Regulations, 1999 (as amended), read with Article 5 and Clause 5.2 of the Power Purchase Agreements dated 16.03.2016 ("PPAs") entered into between the Petitioner and APSPDCL, seeking directions to APSPDCL for expeditiously releasing the amounts due and payable to the Petitioner under the PPAs towards Late Payment Surcharges (LPS)

**&**

**OP No. 30 of 2023**

**M/s Hetero Wind Power Pvt. Ltd Vs. APSPDCL & APPCC**

(Petition filed under Sections 86(1)(f) and (e) of the Electricity Act, 2003, read with. Clause-8 of the Andhra Pradesh Electricity Regulatory Commission (Conduct of Business) Regulations, 1999 (as amended), read with Article 5 and Clause 5.2 of the Power Purchase Agreements dated 18.12.2014 (PPAs) entered into between the Petitioner and APSPDCL, seeking directions to APSPDCL for expeditiously releasing the amounts due and payable to the Petitioner under the PPAs towards Late Payment Surcharges (LPS)

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Sri S.Vivek Chandrasekhar, learned Counsel for the Petitioners; and Sri P.Shiva Rao, learned Standing Counsel for the respondents, are present at the hearing.

Counter-affidavits are filed.

Sri Vivek Chandra Sekhar submitted that copies of the counter-affidavits have not been served on him.

Sri P.Shiva Rao has undertaken to serve copies of the counter-affidavits on the learned counsel for the petitioners.

Sri Vivek Chandra Sekhar requested a short time for filing rejoinders, if any.

Call on 16-8-2023.

**Sd/-  
MEMBER/PVRR**

**Sd/-  
CHAIRMAN**

**Sd/-  
MEMBER/TRS**

**OP No. 53 of 2022**

**M/s. Bharat Heavy Electrical Limited Vs. APTRANSCO & others**

(Petition filed under Section 86(1)(f) of the Electricity Act, 2003 to direct the Respondents to pay the sum of Rs.1,95,75,929/- (Rupees One Crore, Ninety Five Lakhs, Seventy Five Thousand, Nine hundred and Twenty Nine only) together with interest at 10% per annum towards the cost of the energy supplied to the respondents)

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Smt G.Malathi, learned counsel for the Petitioner; and Sri P.Shiva Rao, learned Standing Counsel for the respondents, are present at the hearing.

Counter-affidavit is filed.

Smt. G.Malati requested time for filing rejoinder. Time is, accordingly, granted.

Call on 20-9-2023.

**Sd/-  
MEMBER/PVRR**

**Sd/-  
CHAIRMAN**

**Sd/-  
MEMBER/TRS**

**OP No. 4 of 2023**

**Kreate Energy India Pvt. Ltd. Vs. APPCC**

(Petition filed under Section 86(1) (f) of the Electricity Act, 2003 for adjudication of the disputes between the Petitioner and the Respondent relating to supply of power for the period from January, 2018 to October, 2019 in terms of the power banking arrangement between the parties.)

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Ms.Smriti Jaiswal, counsel representing Sri Adarsh Tripathi, learned counsel for the Petitioner; and Sri P. Shiva Rao, learned standing counsel for the Respondent; are present at the hearing.

Counter-affidavit is filed.

Ms.Smriti Jaiswal submitted that the rejoinder is being filed today.

Call on 04-10-2023 for hearing.

**Sd/-  
MEMBER/PVRR**

**Sd/-  
CHAIRMAN**

**Sd/-  
MEMBER/TRS**

**OP No. 9 of 2023**

**M/s Alufluoride Limited Vs. APSLDC, APTRANSCO, APEPDCL**

(Petition filed under Section 86(1)(f) of the Electricity Act, 2003 seeking consideration of unsettled Banking Units of 6.18 lakhs during the period from 25.03.2019 to 31.03.2020 and 23.21 lakhs during the period from 01.04.2020 to 10.01.2021 (total 29.39 lakhs units) towards increasing the capacity from 1.6 MW to 3.00 MW Generator in their project at Polepalli Village, Butchayyapeta Mandal, Visakhapatnam District, Andhra Pradesh)

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Sri L.Aravind Reddy, learned counsel for the Petitioner; and Sri P. Shiva Rao, learned Standing Counsel for the Respondents; are present at the hearing.

Rejoinder is filed.

Call on 04-10-2023 for hearing.

**Sd/-  
MEMBER/PVRR**

**Sd/-  
CHAIRMAN**

**Sd/-  
MEMBER/TRS**

**OP No. 18 of 2023**

**M/s Hetero Wind Power Ltd. Vs. APSPDCL, APTRANSCO & APPCC**

**OP No. 19 of 2023**

**M/s Danu Wind Parks Private Limited Vs. APSPDCL, APTRANSCO & APPCC**

**OP No. 20 of 2023**

**M/s Dindore Wind Parks Pvt Ltd., Vs. APSPDCL, APTRANSCO & APPCC**

**OP No. 21 of 2023**

**M/s Fujin Wind Parks Private Limited Vs. APSPDCL, APTRANSCO & APPCC**

**OP No. 22 of 2023****M/s Danu Wind Parks Private Limited Vs. APSPDCL, APTRANSCO & APPCC****OP No. 23 of 2023****M/s Hetero Wind Power (Pennar) Pvt. Ltd Vs. APSPDCL, APTRANSCO & APPCC****OP No. 24 of 2023****M/s Aeolus Wind Parks Private Limited Vs. APSPDCL, APTRANSCO & APPCC**

(Petitions filed under Sections 86(1)(e) &(f) of the Electricity Act, 2003 read with Clause-8 of the Andhra Pradesh Electricity Regulatory Commission (Conduct of Business) Regulations 1999 (as amended), read with the Clauses of the Power Purchase Agreements entered into between the Petitioners and the Respondents, seeking directions to the 1st Respondent for expeditiously releasing the payments to the Petitioners, which are illegally deducted and withheld by the 1st Respondent, on account of the energy delivered by the Petitioners to the 1st Respondent beyond the Capacity Utilisation Factor (CUF) of 23%.)

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Sri S.Vivek Chandrasekhar, learned Counsel for the Petitioners; and  
Sri P.Shiva Rao, learned Standing Counsel for the respondents; are present at the hearing.

Sri Vivek Chandrasekhar submitted that negotiations on various aspects, including CUF and LPS, are underway with the respondents and requested an adjournment for reporting the outcome.

Call on 04-10-2023.

**Sd/-**  
**MEMBER/PVRR**

**Sd/-**  
**CHAIRMAN**

**Sd/-**  
**MEMBER/TRS**

**OP No. 27 of 2023****M/s Balaji Energy Pvt. Ltd, Vs. APSPDCL, APTRANSCO & APPCC**

(Petition filed under Section 86(1)(f) read with 86(1)(k) of the Electricity Act 2003 read with Clause-55 of the APERC (Conduct of Business) Regulations 1999 seeking to declare the action of the respondents 1 and 2 in not considering the Actual Generation during the month as Scheduled Energy at the time of settlement of Petitioner's Account with its O.A. Consumer as being void, illegal, arbitrary and contrary to the provisions of the Electricity Act, 2003 and Open Access Regulations dated 2-6-2006; and, consequently, direct the respondents to pay an amount of Rs.2,48,79,546/- (for 2x 4 MW) to the petitioner along with 12% interest at quarterly rests for the period October 2019, November 2019, December 2019, April 2020, May 2020 and June 2020 in respect of the power drawn and for quantity deducted and not accounted for at the time of settlement)

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**OP No. 28 of 2023****M/s Balaji Energy Pvt. Ltd, Vs. APSPDCL, APTRANSCO & APPCC**

(Petition filed under Section 86(1)(f) read with 86(1)(k) of the Electricity Act 2003 read with Clause-55 of the APERC (Conduct of Business) Regulations 1999 seeking to declare the action of the respondents 1 and 2 in not considering the Actual Generation during the month as Scheduled Energy at the time of settlement of Petitioner's Account with its O.A. Consumer as being void, illegal, arbitrary and contrary to the provisions of the Electricity Act, 2003 and Open Access Regulations dated 2-6-2006; and, consequently, direct the respondents to pay an amount of Rs.28,76,193/- (for 2x 1.5 MW) to the petitioner along with 12% interest at quarterly rests for the period October 2019, November 2019, December 2019, April 2020, May 2020 and June 2020 in respect of the power drawn and for quantity deducted and not accounted for at the time of settlement))

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Sri S.Ravi, learned Senior Counsel assisted by Sri M. Naga Deepak, learned counsel for the petitioner; and Sri P.Shiva Rao, learned Standing Counsel for the respondents; are present at the hearing.

Rejoinders are filed.

Call the OPs for hearing on 13-9-2023.

**Sd/-  
MEMBER/PVRR**

**Sd/-  
CHAIRMAN**

**Sd/-  
MEMBER/TRS**

**OP No. 12 of 2023****M./s. Walwhan Renewable Energy Ltd Vs. APSPDCL, APSLDC & APTRANSCO**

(Petition filed under Section 86(1)(e) read with Section 86(1)(f) of the Electricity Act, 2003 seeking appropriate directions and orders to be passed qua Respondent No.1, i.e. APSPDCL, and other contesting Respondents to compensate the Petitioner for the actual loss of the revenue suffered by the Petitioner on account of frequent and rampant backing down instructions given to the Petitioner on account of the inadequacy of Transmission System and alleged Grid safety issues)

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Sri Shri Venkatesh, learned counsel for the Petitioner; and Sri P. Shiva Rao, learned standing counsel for the Respondents; are present at the hearing.

Counter-affidavit is filed along with relevant data.

Sri Shri Venkatesh requested time for filing rejoinder.

Call on 30-8-2023.

**Sd/-  
MEMBER/PVRR**

**Sd/-  
CHAIRMAN**

**Sd/-  
MEMBER/TRS**

**OP No. 21 of 2020 & IA No.1 of 2022****M/s.Tata Power Renewable Energy Ltd Vs. APSPDCL, APSLDC and APTRANSCO.**

(Petition filed under Section 86(1)(e) read with Section 86 (1)(f) of the Electricity Act, 2003 seeking a direction to the respondents for treating the loss of generation of Rs. 68.39 Crores as computed till May, 2020 on account of curtailment of power as deemed generation by the Petitioner/TPREL and also to direct Respondent No.1 to make payment for the said Deemed Generation Charges).

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Sri Shri Venkatesh, learned Counsel for the Petitioner; and Sri P.Shiva Rao, learned Standing Counsel for the respondents; are present at the hearing.

Sri Shiva Rao completed his submissions.

Sri Shri Venkatesh requested time for making his reply submissions.

Call on 30-8-2023.

**Sd/-**  
**MEMBER/PVRR**

**Sd/-**  
**CHAIRMAN**

**Sd/-**  
**MEMBER/TRS**

**OP No. 63 of 2022****M/s. Balaji Energy Pvt Ltd., Vs. APSPDCL & APPCC**

(Petition filed under Section 86 (1)(f) read with 86(1)(k) of the Electricity Act, 2003 seeking a direction to the respondents for reimbursement of Income Tax of Rs.13,10,34,791/- and interest @ 12% quarterly rests, amounting to Rs.2,57,70,920/- for the periods from FY 2017-18 to 2021-22, paid by the Petitioner towards Income Tax which is pass through as per Hon'ble Commission Tariff Orders)

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Sri S.Ravi, learned Senior Counsel assisted by Sri M. Naga Deepak, learned counsel for the Petitioner; and Sri P.Shiva Rao, learned Standing Counsel for the respondents; are present at the hearing.

After arguing the case for some time, both the counsel requested time for producing the recent order of the Honourable High Court of Andhra Pradesh, which is stated to have a bearing on the present OP.

Call on 13-9-2023.

**Sd/-**  
**MEMBER/PVRR**

**Sd/-**  
**CHAIRMAN**

**Sd/-**  
**MEMBER/TRS**

