

Record of Proceedings Dated 21-06-2023

IA No.1 of 2023 in OP No.18 of 2020
M/s Khandaleru Power Company Ltd., Vs. APSPDCL, APPCC

IA No.1 of 2023:

(This I.A. is filed under Section 142 of the Electricity Act, 2003 r/w Clause-55 of the Andhra Pradesh Electricity Regulatory Commission (Conduct of Business) Regulations, 1999 for contravention and non-implementation of the final order passed by this Hon'ble Commission dated. 26.10.2022 passed in O.PNo.18 of 2020)

None represented the petitioner. Sri P.Shiva Rao, learned Standing Counsel for the respondents, is present at the hearing.

Sri P.Shiva Rao, learned Standing Counsel for the respondents, requested time for filing counters. He also undertakes that all the amounts that are due to the petitioner will be paid by the next date of hearing.

Call on 19-7-2023.

Sd/-
MEMBER/PVRR

Sd/-
CHAIRMAN

Sd/-
MEMBER/TRS

OP No. 31 of 2023
M/s. Balaji Energy Pvt. Ltd Vs APSPDCL & APTRANSCO

(Petition filed under U/Sec. 86(1)(f) r/w 86(1)(k) of Electricity Act, 2003 Read with Clause-55 of the APERC (Conduct of Business) Regulations, 1999 seeking a direction to the respondents for payment of dues towards electricity supplied to a tune of Rs. 26,48,40,066/- calculated upto 31-03-2023 along with interest thereon)

Sri Rohan Aloor, counsel representing Sri M. Naga Deepak, learned counsel for the petitioner; Sri P.Shiva Rao, learned Standing Counsel for the respondents, are present at the hearing.

Sri P.Shiva Rao, learned Standing Counsel for the respondents, requested time for filing counters. He also undertakes that all the amounts that are due to the petitioner will be paid by the next date of hearing.

Call on 19-7-2023.

Sd/-
MEMBER/PVRR

Sd/-
CHAIRMAN

Sd/-
MEMBER/TRS

OP No.26 of 2023

M/s. APSLDC

(Petition filed seeking for issuance of Regulation on Deviation Settlement Mechanism (DSM) for Wind and Solar Generators connected to grid and selling power outside the state in place of Appendix-1 of Hon'ble APERC "Forecasting, Scheduling and Deviation Settlement of Solar and Wind Generation Regulation, 2017" (Regulation No. 4 of 2017) in line with the new CERC (Deviation Settlement Mechanism and Related Matters) Regulations, 2022

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

No objections have been filed in response to the Public Notice. None appeared for the general public at the hearing.

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

Orders reserved.

Sd/-
MEMBER/PVRR

Sd/-
CHAIRMAN

Sd/-
MEMBER/TRS

OP No. 45 of 2022
Sri Ch.Venugopala Rao Vs Collector, NTR District, APTransco & Ors

(Petition filed under Electricity Act, 2003 Andhra Pradesh Works of Licence Rules, 2007, seeking to direct the District Collector, Krishna to enhance the existing compensation at least to a minimum compensation of Rs.17,58,350/- plus crop compensation as per Section 26 of 2013 LARR Act.

Sri P.Chengal Reddy, learned counsel for the Petitioner; and Sri P.Shiva Rao, learned Standing Counsel for respondents 2 and 3 are present at the hearing.

The Deputy Director (Tariff Engineering) submitted his Inspection Report on 16-6-2023.

Sri P.Chengal Reddy, learned counsel for the Petitioner, submitted that based on the said Inspection Report, appropriate orders may be passed.

Accordingly, orders are reserved.

Sd/-
MEMBER/PVRR

Sd/-
CHAIRMAN

Sd/-
MEMBER/TRS

OP No. 117 of 2021
Hindupur Solar Park Pvt. Ltd., Vs. APSLDC & SPDCL
and

OP No. 118 of 2021
Hindupur Solar Park Pvt. Ltd., Vs. APSLDC & SPDCL

(Petitions filed under Section 33(4) r/w Sections 86 (1)(e), (f) & (k) of the Electricity Act, 2003 questioning the alleged wrongful curtailment of power of the petitioner by APSLDC / Respondent No. 1 and sought appropriate orders, *inter alia*, against the Respondents not to issue curtailment instructions and direct them to pay the amounts due towards deemed generation)

Sri Mridul Chakravarthy, learned counsel for the petitioners; Sri P.Shiva Rao, learned Standing Counsel for the respondents, are present at the hearing.

Sri Mridul Chakravarthy, learned counsel for the petitioners, submitted their version with reference to the FOR Guidelines.

Sri P.Shiva Rao, learned Standing Counsel for the respondents, submitted that they would like to submit their version, qua, the FOR Guidelines. On the suggestion falling from the Commission that the nature of the dispute requires a negotiated settlement, the learned Standing Counsel positively responded and submitted that he would impress upon his clients to initiate the process for a negotiated settlement and that four weeks' time may be granted for this purpose. The Commission has been noticing of late that the Notices being issued for negotiated settlements appear to be more in the nature of a formality rather than a whole hearted attempt to settle the issues. Hopefully, the process in the present cases would be different from the pattern being followed by the respondents hitherto. To facilitate a negotiated settlement, the request of the learned Standing Counsel is accepted.

Call on 16-8-2023. Meanwhile, the respondents shall also file their version with reference to the FOR Guidelines.

Sd/-
MEMBER/PVRR

Sd/-
CHAIRMAN

Sd/-
MEMBER/TRS

OP No. 2 of 2023**M/s. Rain CII Carbon (Vizag) Limited Vs. APEPDCL**

(Petition filed under Section 86(1)(f) of the Electricity Act, 2003 to declare the action of the Respondent i.e., APEPDCL in levying Grid Support Charges on the Petitioner (a non-Captive Generation Power Plant) as illegal, arbitrary and against the Laws in force, and, consequently, direct that the Petitioner is not liable to pay Grid Support Charges for the Financial Year 2002-03 to the Financial Year 2008-09 as demanded by APEPDCL by setting aside the demand of Grid Support Charges made by the respondent)

Sri S.Vivek Chandra Sekhar, learned counsel for the petitioner, and Sri P.Shiva Rao, learned Standing Counsel for the respondent, are present at the hearing.

Counter is filed by the respondent. Learned counsel for the petitioner requested four weeks' time for filing rejoinder. Time is, accordingly, granted.

Call on 19-7-2023.

Sd/-
MEMBER/PVRR

Sd/-
CHAIRMAN

Sd/-
MEMBER/TRS

OP No. 18 of 2022**M/s.Vayu Urja Bharat Pvt Ltd., Vs. APSPDCL**

(Petition filed under Section 86(1)(f) read with Section 86(1)(e) of the Electricity Act, 2003 read with Article 10 of the Power Purchase Agreement dated 28-07-2016 *inter alia* seeking a direction to the Respondent for forthwith releasing the payment against the outstanding invoices towards sale of wind energy since November 2020 along with the interest /delayed payment surcharge on such delayed payments as per the PPA)

Sri Aniket Prasoon, learned counsel for the Petitioner; and Sri P.Shiva Rao, learned Standing Counsel for the respondent, are present at the hearing.

In purported compliance of the order dated 19-4-2023, the statement of details, along with an affidavit sworn to by the General Manager, Accounts, APCPDCL, has been filed. Sri Aniket Prasoon, learned counsel for the petitioner, submitted that he has not received a copy of the same.

Sri P.Siva Rao, learned Standing Counsel for the respondent, has undertaken to furnish a copy of the same to the learned counsel for the petitioner. Four weeks' time for filing response, if any, to the details furnished by the respondent, is granted.

Call on 26-7-2023.

Sd/-
MEMBER/PVRR

Sd/-
CHAIRMAN

Sd/-
MEMBER/TRS

OP No. 113 of 2021

M/s Vayu (India) Power Corporation Limited Vs. APTRANSCO, APPCC & APSPDCL

(Petition filed under Section 86(1)(b), 86(1)(e) and 86(1)(f) of the Electricity Act, 2003 for specific performance of the Power Purchase Agreement dated 29-05-2010 and for a direction against the respondents to make payments of the outstanding amounts)

Sri A.Karthik, counsel representing Sri Kailash Nath P.S.S, learned counsel for the Petitioner; and Sri P.Shiva Rao, learned Standing Counsel for the respondent, are present at the hearing.

In purported compliance of the order dated 19-4-2023, the statement of details, along with an affidavit sworn to by the General Manager, Accounts, APCPDCL, has been filed. Sri Sri A.Karthik, learned counsel

representing the petitioner, submitted that they have not received a copy of the same.

Sri P.Siva Rao, learned Standing Counsel for the respondent, has undertaken to furnish a copy of the same to the learned counsel for the petitioner. Four weeks' time for filing response, if any, to the details furnished by the respondent, is granted.

Call on 26-7-2023.

Sd/-
MEMBER/PVRR

Sd/-
CHAIRMAN

Sd/-
MEMBER/TRS

OP No. 3 of 2022
New Era Enviro Venture (Mahabubnagar) Pvt. Ltd., Vs. APSPDCL
OP No. 4 of 2022
M/s Aeolus Wind Parks Pvt. Ltd. Vs. APSPDCL & APPCC
OP No. 5 of 2022
M/s Danu Wind Parks Private Limited Vs. APSPDCL & APPCC
OP No. 6 of 2022
M/s Danu Wind Parks Private Limited Vs. APSPDCL & APPCC
OP No. 7 of 2022
M/s Dindore Wind Parks Private Limited Vs. APSPDCL & APPCC
OP No. 8 of 2022
M/s Fujin Wind Parks Private Limited Vs. APSPDCL & APPCC
OP No. 12 of 2022
M/s Palnadu Solar Power Pvt Ltd., Vs. APCPDCL & APPCC
OP No. 22 of 2022
M/s Vayu Urja Bharat Pvt Ltd., Vs. APSPDCL
OP No. 89 of 2021
M/s. Mytrah Vayu (Pennar) Private Limited Vs. APSPDCL & APPCC
OP No. 64 of 2021
M/s. Khandke Wind Energy Pvt Ltd Vs. APSPDCL
OP No. 30 of 2020

M/s. Tadas Wind Energy Pvt. Ltd Vs. APSPDCL

(Petitions 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 (PPA) entered into between the petitioners and APSPDCL, seeking directions to APSPDCL for expeditiously releasing the payments due and payable to the Petitioners/Applicants by APSPDCL under the PPA towards Late Payment Surcharge (LPS))

Sri V.Akshaya Babu, learned counsel for the petitioner in OP No.3 of 2022 and representing Sri Dipan Bhuptani, learned counsel for the Petitioners, in OP Nos.64 of 2021 and 30 of 2020; Sri Aniket Prasoon, learned counsel for the petitioner in OP No.22 of 2022; Sri S.Vivek Chandrasekhar, learned counsel for the Petitioners in OP No.4,5,6,7 and 8 of 2022; Sri Deepak Chowdary, learned counsel for the Petitioners in OP Nos.12 of 2022 and 89 of 2021; and Sri P.Shiva Rao, learned standing counsel for the respondents, are present at the hearing.

Learned counsel for both the parties submitted that yesterday negotiations have taken place with certain Developers, including the petitioners.

Sri P.Siva Rao, learned Standing Counsel for the respondents, submitted that negotiations are incomplete and that the respondents are proposing to hold further negotiations and report its outcome on the next date of hearing. It has been brought to our notice that the date for payment of the 12th and last instalment will be expiring in July, 2023.

Therefore, we adjourn these cases to 16-8-2023.

By the next date of hearing, the learned counsel representing the parties shall report on the outcome of the negotiations. If the dispute is not settled by that time, the Commission will proceed with the hearing of the cases for adjudication on merits.

Sd/-
MEMBER/PVRR

Sd/-
CHAIRMAN

Sd/-
MEMBER/TRS

OP No. 12 of 2020 & IA No. 3 of 2020

M/s. Aarohi Solar Pvt. Ltd. & 4 Others Vs. APSPDCL

(Petition under Section 86 (1) (f) of the Electricity Act, 2003 for adjudication of the disputes arising out of the Power Purchase Agreements dated 05-12-2014 entered by them with APSPDCL and seeking directions to the APSPDCL to act in accordance with terms of the PPA in connection with charges for drawl of power by their solar power generating stations for the auxiliary consumption.

Sri Aniket Prasoon, learned counsel for the petitioner; and Sri P.Shiva Rao, learned standing counsel for the respondents, are present at the hearing.

Heard both sides.

Orders reserved.

Sd/-
MEMBER/PVRR

Sd/-
CHAIRMAN

Sd/-
MEMBER/TRS