

Record of proceedings dated 02-02-2019

O.P.No.47 of 2017 & I.A.No.28 of 2017
FOR ORDERS

A.P. Power Development Company Ltd (APPDCL) Vs APSPDCL & APEPDCL

Application for determination of tariff for supply of electricity generated at the Sri Damodaram Sanjeevaiah Thermal Power Station (SDSTPS) (2 x 800 MW) to the APDISCOMs from 05-02-2015 for the rest of the control period of 2014-19 of 2 x 800 MW

Application filed u/s 94 (2) of the Electricity Act, 2003 praying the Commission to pass interim orders directing the respondents to pay an interim tariff of Rs4.04 per kWh for the energy supplied by it to the respondents during FY 2017-18, pending disposal of the main petition in O.P.No.47 of 2017.

Sri K. Gopal Choudary, learned counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the respondents are present.

Orders are not ready. For orders, the matter is posted to 16-02-2019.

Call on: 16-02-2019
at 11:00 AM

Sd/-
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CHAIRMAN

O.P.No.46 of 2017
APSPDCL & APEPDCL Vs APGENCO & A.P. Solar Power Corporation Ltd

Petition filed under Section 86 (1) (b) of the Electricity Act, 2003 for approval of long term Power Purchase Agreement (PPA) signed by APDISCOMs with APGENCO on 01-07-2017 and to pass orders regulating the price for purchase of 400 MW solar power generated from the Ananthapuram – II Ultra Mega Solar Park proposed at Talaricheruvu (V), near Tadipatri, Anantapuramu District, AP @ the tariff of Rs.3.57 / Kwh

Sri P. Shiva Rao, learned Standing Counsel for the petitioners is present.

Sri P. Shiva Rao, learned Standing Counsel for the petitioners is requested to pursue the petitioners to make efforts with the State Government for bringing the land cost lower down to realistic levels keeping in view that the petitioners are also fully owned public entities of the State Government and lower fixed cost and lower tariffs are for the benefit of the public at large and report back to the Commission the result of the efforts being made by 23-02-2019.

Call on: 23-02-2019
at 11:00 AM

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CHAIRMAN

Public hearing in the matter of procurement of 1000 MW distributed Solar Power at the interconnection point of 33 / 11 kV Substations covering entire State

Sri P. Shiva Rao, learned Standing Counsel for the utilities is present.

Reply of the Eastern Power Distribution Company of Andhra Pradesh Limited to the objections raised is filed and Sri P. Shiva Rao, learned Standing Counsel for the utilities submitted that copies are furnished to the learned objectors. Hence, the matter is posted for hearing to 23-02-2019.

Call on: 23-02-2019
at 11:00 AM

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Public hearing in the matter of Amendment of APERC Regulation No. 2 of 2016 of the Principal Regulation No 2 of 2006 (Interim Balancing & Settlement Code) -
FOR ORDERS

Sri P. Shiva Rao, learned Standing Counsel for the utilities is present.

Orders are not ready. For orders, the matter is posted to 08-02-2019 at 3:00 PM.

Call on: 08-02-2019
at 3:00 PM

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O.P.No.2 of 2017
M/s. Richmond Power Pvt. Ltd. Vs APEPDCL

Petition filed u/s 86 (1) (a) of the Electricity Act, 2003 r/w Regulation 55 [Saving of inherent power of the Commission] of the APERC (Conduct of Business) Regulations, 1999

Sri P. Vikram, learned counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the respondent are present.

No objector is present. Hence, the matter is posted for response of the learned objectors to 08-02-2019 at 3:00 PM.

Call on: 08-02-2019
at 3:00 PM

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Public hearing in the matter of First Amendment to existing Regulation APERC (Terms and Conditions for Determination of Tariff for Transmission of Electricity) Regulation, 2005 (Refer public notice dated 09-10-2018 on the above draft Regulation) - FOR ORDERS

Sri P. Shiva Rao, learned Standing Counsel for the utilities is present.

Orders are not ready. For orders, the matter is posted to 08-02-2019 at 3:00 PM.

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at 3:00 PM

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I.A.No.12 of 2017 in O.P.Nos.1 & 2 of 2015
FOR ORDERS
APSPDCL & APEPDCL Vs GoAP

Petition seeking approval of the Commission for true-up for FY 2015-16 pertaining to the increase in power purchase costs and additional subsidy required from GoAP towards additional sales to agricultural consumers during FY 2015-16

Sri P. Shiva Rao, learned Standing Counsel for the petitioners is present.

Orders pronounced (*vide separate order*)

“The total true up of Rs.108.88 Cr. as estimated above for both the licensees shared among them on the basis of the power purchased by EPDCL and SPDCL for FY2015-16 as per their submissions. Thus the true up claim of EPDCL is Rs.36.43 Cr. and SPDCL is Rs.72.45 Cr. for FY2015-16.

(iv) Licensees are directed to have a prudent check on fuel expenditure incurred by the Generators as per the norms & standards in this regard keeping in view of the various objections received & points raised by Comptroller & Auditor General in this regard.

(v) The Commission takes this opportunity to place its appreciation on record for the learned and valuable assistance, experienced guidance of Sri. P. Shiva Rao, Sri G.V. Brahmananda Rao, Sri M. Venugopala Rao, Sri A. Punna Rao, Sri Ch. Narasinga Rao, Sri M. Thimma Reddy, Sri P. Madhu and Sri B. Tulasidas.

(vi) The Commission also wishes to place on record their appreciation for the efforts of the two members of the Commission family namely, Sri. D. Ramanaiah Setty, Deputy Director (Tariff Engineering) and Smt. P.V. Padmaja, Private Secretary in assisting the Commission in this regard”.

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Public hearing in the matter of Third Amendment to APERC (Supply Code) Regulation, 2004
(Regulation No.5 of 2004) - FOR ORDERS

Sri P. Shiva Rao, learned Standing Counsel for the utilities is present.

Orders are not ready. For orders, the matter is posted to 08-02-2019 at 3:00 PM.

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at 3:00 PM

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CHAIRMAN

Public hearing in the matter of Second Amendment to APERC (Security Deposit) Regulation,
2004 Regulation No.6 of 2004 - FOR ORDERS

Sri P. Shiva Rao, learned Standing Counsel for the utilities is present.

Orders are not ready. For orders, the matter is posted to 08-02-2019 at 3:00 PM.

Call on: 08-02-2019
at 3:00 PM

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Public hearing in the matter of Fourth Amendment to APERC (Interim Balancing &
Settlement Code for Open Access Transactions) Regulation, 2016 Regulation No. 2 of 2016
FOR ORDERS

Sri P. Shiva Rao, learned Standing Counsel for the utilities and Sri M. Tharun, Advocate
representing Sri. Challa Gunaranjan, learned counsel for A.P.South Indian Sugar Mills
Association (objector) are present.

Orders are not ready. For orders, the matter is posted to 08-02-2019 at 3:00 PM.

Call on: 08-02-2019
at 3:00 PM

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CHAIRMAN

Public hearing on Load Forecasts, Resource Plans, Investment Plans and State Electricity Plan

Sri P. Shiva Rao, learned Standing Counsel for the utilities and Sri K. Gopal Choudary, learned *Amicus Curiae* are present.

Heard Sri P. Shiva Rao, learned Standing Counsel for the utilities and Sri K. Gopal Choudary, learned *Amicus Curiae* in part. For continuation, the matter is posted to 08-02-2019 at 3:00 PM.

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Public hearing on Load Forecasts, Resource Plans and State Electricity Plan for 4th control period (FY2019-20 to FY2023-24) and 5th control period (FY2024-25 to FY2028-29)

Sri P. Shiva Rao, learned Standing Counsel for the utilities and Sri K. Gopal Choudary, learned *Amicus Curiae* are present.

Heard Sri P. Shiva Rao, learned Standing Counsel for the utilities and Sri K. Gopal Choudary, learned *Amicus Curiae* in part. For continuation, the matter is posted to 08-02-2019 at 3:00 PM.

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O.P. No. 23 of 2018
M/s. Ananthapur MSW Private Limited Vs APSPDCL & 3 others

Petition under Section 86 (1) (b) and other relevant provisions of the Electricity Act, 2003 seeking approval of tariff of Rs.7.50ps for the entire plant capacity in pursuance of the amendment dated 19-07-2018 to the Power Purchase Agreement dated 24-08-2016

Sri P. Govardhan Reddy, Assistant Manager representing the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the utilities are present.

Rejoinder filed. For hearing, the matter is posted to 02-03-2019.

Call on:

02-03-2019
at 11:00 AM

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O.P.No.24 of 2018
M/s. Envikare Green Energy Pvt. Ltd Vs APSPDCL & 2 others

Petition under Section 86 (1) (b) and other relevant provisions of the Electricity Act, 2003 seeking approval of tariff of Rs.7.50ps for the entire plant capacity in pursuance of the amendment dated 19-07-2018 to the Power Purchase Agreement dated 09-08-2016

Sri K. Chandra Kumar, Project Engineer representing the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the utilities are present.

Rejoinder filed. For hearing, the matter is posted to 02-03-2019.

Call on:

02-03-2019
at 11:00 AM

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CHAIRMAN

O.P.No.33 of 2017
FOR ORDERS
M/s. NSL Sugars Ltd Vs APPCC & 3 others

Petition under Section 86 (1) (f) of the Electricity Act, 2003 r/w APERC (Conduct of Business) Regulation 1999 for resolving dispute in settlement of annual reconciliation bills under purchase order

Sri M. Tharun, learned counsel representing Sri Challa Gunaranjan, learned counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the utilities are present.

Orders are not ready. For orders, the matter is posted to 16-02-2019.

Call on:

16-02-2019
at 11:00 AM

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O.P.No.34 of 2017
FOR ORDERS

M/s. NSL Sugars (Tungabhadra) Ltd Vs APPCC & 3 others

Petition under Section 86 (1) (f) of the Electricity Act, 2003 r/w APERC (Conduct of Business) Regulation 1999 for resolving dispute in settlement of annual reconciliation bills under purchase order

Sri M. Tharun, learned counsel representing Sri Challa Gunaranjan, learned counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the utilities are present.

Orders are not ready. For orders, the matter is posted to 16-02-2019.

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at 11:00 AM

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O.P.No.79 of 2012
Reliance Infrastructure Ltd Vs DISCOMs & APPCC

Petition u/s 86 (1) (f) of Electricity Act, 2003 seeking to restrain the DISCOMs from deducting from the monthly bills amounts towards deemed generation

Sri P. Vikram, learned counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the utilities are present.

Posted for further hearing to 16-02-2019.

Call on: 16-02-2019
at 11:00 AM

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O.P.No.60 of 2013 & I.A.No.37 of 2013
APPCC & DISCOMs Vs Reliance Infrastructure Ltd

Petition filed u/s 86 (1) (f) of the Electricity Act, 2003 In the matter of "Ineligibility of Availability declarations with Alternate Fuel (Naphtha / HSD) by the respondent, after the year 2009, and for deletion of alternate fuel clause"

IA filed by the petitioners u/s 128 of the Electricity Act, 2003 for appointment of a committee of technical officers and direct them to investigate the issue as to whether there were tanks for storing Naphtha at the project of the respondent and after the year 2009 and as to the probable date of dismantling of Naphtha tanks, by inspecting the project premises and the records

Sri P. Shiva Rao, learned Standing Counsel for the utilities and Sri P. Vikram, learned counsel for the respondent are present.

Posted for further hearing to 16-02-2019.

Call on: 16-02-2019
at 11:00 AM

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O.P.No.12 of 2014 & I.A.No.3 of 2014
Reliance Infrastructure Ltd Vs DISCOMs & APPCC

Interlocutory Application filed by the petitioner u/s 94 (2) of the Electricity Act, 2003 for restraining the respondents from deducting the capacity charges from the petitioner

Petition filed by the petitioner u/s 86 (1) (f) of the Electricity Act, 2003 seeking declaration that HSD is a alternative Fuel in terms of Article 1.1.27 of the PPA and refund the unauthorized deductions of Rs.96,68,92,198/- made by the respondents from the bills payable to the petitioner

Sri P. Vikram, learned counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the utilities are present.

Posted for further hearing to 16-02-2019.

Call on: 16-02-2019
at 11:00 AM

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CHAIRMAN

O.P.No.40 of 2014
Bharath Alluminium Company Ltd Vs PTC India Ltd., & 2 others

Petition filed under Section 86 (1) (f) of the Electricity Act, 2003 for recovery of compensation deducted from the petitioner purportedly towards non-supply of power

Sri K. Gopal Choudary, learned counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the utilities are present.

Heard Sri K. Gopal Choudary, learned counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the AP Distribution Companies on the question of jurisdiction and the effect of common order of the Hon'ble High Court for the State of Telangana and the State of Andhra Pradesh in W.P.No.15848 of 2015 & batch. Sri K. Gopal Choudary, learned counsel submitted on instructions that the matter may be transmitted to Central Electricity Regulatory Commission for being proceeded with in accordance with law as per the directions of the Hon'ble Division Bench of the Hon'ble High Court. Hence, the matter is posted for orders to 08-02-2019 at 3:00 PM.

Call on:

08-02-2019
at 3:00 PM

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CHAIRMAN

O.P.No.29 of 2017
APSPDCL & APEPDCL Vs M/s. GVK Gautami Power Pvt. Ltd & 2 others

Petition under Section 86 (1) (f) of the Electricity Act, 2003 requesting the Commission to direct the respondent No.1 to pay the energy consumed by it towards Start-up and Maintenance of its 464 MW project at Peddapuram, East Godavari District at HT-1 scheduled tariff

Sri P. Shiva Rao, learned Standing Counsel for the petitioners and Sri M. Naga Deepak, learned counsel for the 1st respondent are present.

Arguments are heard. For orders, the matter is posted to 16-02-2019.

Call on:

16-02-2019
at 11:00 AM

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O.P.No.6 of 2017
APSPDCL & APEPDCL Vs M/s. Reliance Infrastructure Ltd., TSSPDCL & TSNPDCL (R-2 &
R-3 are Proforma Parties)

Petition filed under Section 86 (1) (f) of the Electricity Act, 2003 requesting the Commission to direct the Respondent No.1 (M/s. Reliance Infrastructure Ltd) to pay for the energy consumed by the latter towards auxiliary consumption for its 220 MW power project at Samalkot at HT-1 scheduled tariff

Sri P. Shiva Rao, learned Standing Counsel for the petitioners and Sri P. Vikram, learned counsel for the 1st respondent are present.

Posted for further hearing to 16-02-2019.

Call on:

16-02-2019
at 11:00 AM

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