

**Record of proceedings date 02-03-2019**

O.P.No.17 of 2019

APSPDCL & APEPDCL Vs M/s Karam Chand Thapar & Bros Limited & others

Petition u/s 61 (d), 86 (1) (b) and 86 (1) (f) of the Electricity Act, 2003 r/w 55 (1) & (2) of APERC (Conduct of Business) Regulation 2 of 1999, Regulations 23, 24 & 25 of the Regulation No. 1 of 2015 (Terms and Conditions for Tariff Determination for Wind Power Projects in the State of Andhra Pradesh for the period 2015-16 to FY 2019-20) and provisions under PPAs enabled in the APERC orders dt.13-12-2017 to revise the tariff fixed for wind power projects (pursuant to APERC Regulation 1 of 2015)

Sri G.V. Brahmananda Rao, learned counsel representing Sri P. Shiva Rao, learned Standing Counsel for the petitioners, Ms. Mazag Andrabi, learned counsel for (i) M/s. Karam Chand Thaper & Bros. Limited (ii) M/s. Renew Wind Energy Private Limited (iii) M/s. Ostro AP Wind Private Limited (iv) M/s. Helios Infratech Private Limited (v) M/s. Ostro Anantapur Wind Private Limited (vi) M/s. Ostro Andhra Wind Private Limited (vii) M/s. KCT Renewable Energy Private Limited & (viii) M/s. Sterling Agro Industries Limited; Sri Mahesh Kumar, Senior Manager representing (i) M/s. Mytrah Vaayu (Indravathi) Private Limited (ii) M/s. Mytrah Vayu (Tungabadra) Private Limited & (iii) M/s. Mytrah Vayu (Krishna) Private Limited; Sri Deepak Choudary, learned counsel for (i) M/s. Axis Wind Energy (Anantapur) Private Limited & (ii) M/s. Axis Wind Farms (Rayalaseema) Private Limited; Sri Anand K Shrivastava, learned counsel for M/s. Vayu Urja Bharat Private Limited; Sri Tushar Nagar, learned counsel for M/s. Tata Power Renewable Energy Limited and Sri Challa Gunaranjan, learned counsel for (i) M/s. Vibrant Green Tech India Limited & (ii) M/s. Sunwin Power Tech India Private Limited. Sri Tushar Nagar, learned counsel for M/s. Tata Power Renewable Energy Limited and Sri Anand K Shrivastava, learned counsel representing Sri Astha Sharma, learned objector are present. Out of 43 respondents served with notices, only 17 respondents appeared and remaining 26 respondents did not enter appearance.

Notices to 12 respondents are returned unserved. Notices sent to 27 respondents are not returned. Issue fresh notices to those 39 respondents. Counters of 17 respondents who entered appearance in the meanwhile. A letter was received from the Standing Counsel of the Commission informing that W.P.Nos.2401/2019, 2459/2019, 2461/2019 & 2462/2019 have been filed before the Hon'ble High Court to declare the action of this Commission in taking up this petition as illegal etc., and that when the matter came up before the Hon'ble High Court for hearing, the Hon'ble High Court directed that this Commission may be informed about the pendency of the Writ Petitions before the Hon'ble High Court. The learned Standing Counsel of this Commission was of the opinion that the proceedings before this Commission may be deferred for some time. The learned Standing Counsel of this Commission may be informed of the appearance of 17 respondents before the Commission and issuance of fresh notices to 39 respondents for appearance on the next date of hearing i.e., on 23-03-2019 and non-appearance of 26 respondents who were served with notices. Hence, the matter is posted to 23-03-2019.

Call on:

23-03-2019  
at 11:00 AM

Sd/-  
MEMBER / PRM

Sd/-  
CHAIRMAN

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 G.V. Brahmananda Rao, learned counsel representing Sri P. Shiva Rao, learned Standing Counsel for the respondents is present.

Orders pronounced (*vide separate order*)

11. In the result:

- a. The Commission approves Rs.10761.40Cr. (Rupees Ten Thousand Seven Hundred and Sixty-one Crores and Forty Lakhs) against the petitioner's claim of Rs.12630Cr. in the original petition and the revised claim of Rs.12551Cr.
- b. The Commission approves Rs.6936.01Cr. against the petitioner's claim of Rs.8122.84 Cr. towards fixed cost for the period from 05.02.2015 for the rest of the control period of 2014-2019. The year wise fixed cost approved against the petitioner's claim is as hereunder:

FY	Filed by the Petitioner (Rs. Cr.)	Approved by the Commission (Rs. Cr.)
2014-15	203.16	144.71
2015-16	1747.79	1443.25
2016-17	2172.09	1795.86
2017-18	1995.07	1782.29
2018-19	2004.73	1769.90
Total	8122.84	6936.01

- c. The advice of the Comptroller and Auditor General that the refund of liquidated damages was a violation of the terms and conditions of the Agreement and was not in the best financial interest of the petitioner may be considered by the petitioner to pursue the required remedial measures to get

back the refunded amount from Bharat Heavy Electricals Limited. If the petitioner secures any such refund from Bharat heavy Electricals Limited, the same should be immediately reported to the Commission for considering any factoring of the same into the capital cost.

- d. The fixed charges are determined duly considering the applicable normative availability of the plant. The same are adjustable to actual availability.
- e. Variable charges, Income tax shall be paid as per the terms and conditions of the PPA consented by the Commission.
- f. The parties (either or both of them) are at liberty to approach the Commission with an appropriate petition for adjudication and determination of any of the disputes / differences between them relating to the issues specified in para 12 of the order of this Commission in O.P.No.21 of 2016 between the parties decided on 13-07-2018 and about the operating parameters applicable during the operation of the units under sub-critical mode or supercritical mode.

12. The petition is disposed of with the above directions and the Interlocutory Application is closed as unnecessary.

Sd/-  
MEMBER / PRM

Sd/-  
CHAIRMAN

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 G.V. Brahmananda Rao, learned counsel representing Sri P. Shiva Rao, learned Standing Counsel for the utilities is present.

Orders pronounced (*vide separate order*)

“25) Accordingly, considering all the objections/suggestions and in view of the above discussion, the Commission decided to make the following amendments to the “Andhra Pradesh Electricity Regulatory Commission (Interim Balancing & Settlement Code for Open Access Transactions) Regulation, 2016”.

- i) Clause 2 of Appendix – 3 shall be substituted with the following:  
“The energy injected in to the grid from the date of synchronization to

the Commercial Operation Date (COD) shall be considered as deemed banked energy.”

ii) In Appendix -3, the proviso to 3 (f) shall stand deleted.

26) The Fourth Amendment to the “Interim Balancing & Settlement Code for Open Access Transactions, Regulation, 2016” shall be sent for publication in the Gazette of Andhra Pradesh”.

Sd/-  
MEMBER / PRM

Sd/-  
CHAIRMAN

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 G.V. Brahmananda Rao, learned counsel representing Sri P. Shiva Rao, learned Standing Counsel for the utilities and Sri Challa Gunaranjan, learned counsel for A.P. South Indian Sugar Mills Association, learned objector are present.

Orders pronounced (*vide separate order*)

“25) Accordingly, considering all the objections/suggestions and in view of the above discussion, the Commission decided to make the following amendments to the “Andhra Pradesh Electricity Regulatory Commission (Interim Balancing & Settlement Code for Open Access Transactions) Regulation, 2016”.

i) Clause 2 of Appendix – 3 shall be substituted with the following:  
“The energy injected in to the grid from the date of synchronization to the Commercial Operation Date (COD) shall be considered as deemed banked energy.”

ii) In Appendix -3, the proviso to 3 (f) shall stand deleted.

26) The Fourth Amendment to the “Interim Balancing & Settlement Code for Open Access Transactions, Regulation, 2016” shall be sent for publication in the Gazette of Andhra Pradesh”.

Sd/-  
MEMBER / PRM

Sd/-  
CHAIRMAN

O.P.No.33 of 2009  
Lanco Kondapalli Power Ltd Vs APPCC, APTRANSCO & DISCOMs

Petition u/s 86 (1) (f) of the Electricity Act, 2003 claiming capacity charges payable by the respondents and also interest payable thereon

Sri Challa Gunaranjan, learned counsel for the petitioner and Sri G.V. Brahmananda Rao, learned counsel representing Sri P. Shiva Rao, learned Standing Counsel for the respondents are present.

Heard Sri Challa Gunaranjan, learned counsel for the petitioner and Sri G.V. Brahmananda Rao, learned counsel representing Sri P. Shiva Rao, learned Standing Counsel for the respondents. For orders, the matter is posted to 13-03-2019 at 2:00 PM.

Call on: 13-03-2019  
at 2:00 PM

Sd/-  
MEMBER / PRM

Sd/-  
CHAIRMAN

O.P. No. 42 of 2009 & I.A. No. 4 of 2010  
Lanco Kondapalli Power Ltd Vs APPCC, APTRANSCO & DISCOMs

Petition u/s 62, 86 (1) (f) of the Electricity Act, 2003 claiming finance and procurement costs payable by the respondents together with interest thereon and I.A. No. 4 of 2010 filed by the respondents

Sri Challa Gunaranjan, learned counsel for the petitioner and Sri G.V. Brahmananda Rao, learned counsel representing Sri P. Shiva Rao, learned Standing Counsel for the respondents are present.

Heard Sri Challa Gunaranjan, learned counsel for the petitioner and Sri G.V. Brahmananda Rao, learned counsel representing Sri P. Shiva Rao, learned Standing Counsel for the respondents. For orders, the matter is posted to 13-03-2019 at 2:00 PM.

Call on: 13-03-2019  
at 2:00 PM

Sd/-  
MEMBER / PRM

Sd/-  
CHAIRMAN

O.P.No.57 of 2011  
APTRANSCO Vs Spectrum Power Generation Ltd

Petition u/s 86 (1) (b) of the Electricity Act, 2003 seeking deletion of usage of Naptha as supplementary fuel and others as alternate fuel

Sri G.V. Brahmananda Rao, learned counsel representing Sri P. Shiva Rao, learned Standing Counsel for the petitioner and Sri M. Naga Deepak, learned counsel for the respondent are present.

Heard G.V. Brahmananda Rao, learned counsel representing Sri P. Shiva Rao, learned Standing Counsel for the petitioner and Sri M. Naga Deepak, learned counsel for the respondent. For orders, the matter is posted to 13-03-2019 at 2:00 PM.

Call on: 13-03-2019  
at 02:00 PM

Sd/-  
MEMBER / PRM

Sd/-  
CHAIRMAN

O.P.No.85 of 2012  
Lanco Kondapalli Power Ltd Vs APPCC, APTRANSCO & DISCOMs

Petition u/s 86 (1) (f) for reimbursement of Minimum Fuel Off-take Charges and other fuel transportation charges being part of monthly bills

Sri Challa Gunaranjan, learned counsel for the petitioner and Sri G.V. Brahmananda Rao, learned counsel representing Sri P. Shiva Rao, learned Standing Counsel for the respondents are present.

Heard Sri Challa Gunaranjan, learned counsel for the petitioner and Sri G.V. Brahmananda Rao, learned counsel representing Sri P. Shiva Rao, learned Standing Counsel for the respondents. For orders, the matter is posted to 13-03-2019 at 2:00 PM.

Call on: 13-03-2019  
at 2:00 PM

Sd/-  
MEMBER / PRM

Sd/-  
CHAIRMAN

O.P (SR) No.25 of 2013 & I.A (SR) No.80 of 2013  
RVK Energy Pvt. Ltd Vs APPCC & 9 others

Petition u/s 86 (1) (f) of the Electricity Act, 2003 for claim for price of the power supplied by the petitioner to Andhra Pradesh Power Coordination Committee (APPCC) and I.A filed by the petitioner u/s 94 of the Act

Sri Challa Gunaranjan, learned counsel for the petitioner and Sri G.V. Brahmananda Rao, learned counsel representing Sri P. Shiva Rao, learned Standing Counsel for the respondents are present.

Heard Sri Challa Gunaranjan, learned counsel for the petitioner and Sri G.V. Brahmananda Rao, learned counsel representing Sri P. Shiva Rao, learned Standing Counsel for the respondents. For orders, the matter is posted to 13-03-2019 at 2:00 PM.

Call on: 13-03-2019  
at 2:00 PM

Sd/-  
MEMBER / PRM

Sd/-  
CHAIRMAN

O.P.No.51 of 2013  
Penna Cement Industries Ltd Vs APTRANSCO, APPCC & DISCOMs

Petition u/s 86 (1) (f) of the Electricity Act, 2003 seeking to recover the amount Rs.2,66,34,295/- towards pending dues on account of supply of electricity

Sri Challa Gunaranjan, learned counsel for the petitioner and Sri G.V. Brahmananda Rao, learned counsel representing Sri P. Shiva Rao, learned Standing Counsel for the respondents are present.

Heard Challa Gunaranjan, learned counsel for the petitioner and Sri G.V. Brahmananda Rao, learned counsel representing Sri P. Shiva Rao, learned Standing Counsel for the respondents. For orders, the matter is posted to 13-03-2019 at 2:00 PM.

Call on: 13-03-2019  
at 2:00 PM

Sd/-  
MEMBER / PRM

Sd/-  
CHAIRMAN



O.P.No.10 of 2014  
Spectrum Power Generation Ltd Vs APTRANSCO, DISCOMs & APPCC

Petition u/s 86 (1) (f) of the Electricity Act, 2003 for adjudication of disputes between the parties with regard to Minimum Off Take Charges

Sri M. Naga Deepak, learned counsel for the petitioner and Sri G.V. Brahmananda Rao, learned counsel representing Sri P. Shiva Rao, learned Standing Counsel for the respondents are present.

Heard Sri M. Naga Deepak, learned counsel for the petitioner and Sri G.V. Brahmananda Rao, learned counsel representing Sri P. Shiva Rao, learned Standing Counsel for the respondents. For orders, the matter is posted to 13-03-2019 at 2:00 PM.

Call on: 13-03-2019  
at 2:00 PM

Sd/-  
MEMBER / PRM

Sd/-  
CHAIRMAN

O.P.No.15 of 2014  
E.I.D. Parry (India) Ltd Vs APTRANSCO & DISCOMs

Petition u/s 86 (1) (f) of the Electricity Act, 2003 in relation to non-payment of fixed charges by trueing annualized threshold PLF of 55% as per the tariff determined by the Commission to the petitioner under the Power Purchase Agreement

Sri Challa Gunaranjan, learned counsel for the petitioner and Sri G.V. Brahmananda Rao, learned counsel representing Sri P. Shiva Rao, learned Standing Counsel for the respondents are present.

Heard Sri Challa Gunaranjan, learned counsel for the petitioner and Sri G.V. Brahmananda Rao, learned counsel representing Sri P. Shiva Rao, learned Standing Counsel for the respondents. For orders, the matter is posted to 13-03-2019 at 2:00 PM.

Call on: 13-03-2019  
at 2:00 PM

Sd/-  
MEMBER / PRM

Sd/-  
CHAIRMAN

O.P.No.20 of 2014  
Silkroad Sugar Pvt. Ltd Vs CMD / APTRANSCO CE / APTRANSCO

Petitioner u/s 33 (4) & 86 (1) (f) of the Electricity Act, 2003 in the matter of refund of excess recovered amount of Rs.2,51,55,786/-

Sri Challa Gunaranjan, learned counsel for the petitioner and Sri G.V. Brahmananda Rao, learned counsel representing Sri P. Shiva Rao, learned Standing Counsel for the respondents are present.

Heard Sri Challa Gunaranjan, learned counsel for the petitioner and Sri G.V. Brahmananda Rao, learned counsel representing Sri P. Shiva Rao, learned Standing Counsel for the respondents. For orders, the matter is posted to 13-03-2019 at 2:00 PM.

Call on: 13-03-2019  
at 2:00 PM

Sd/-  
MEMBER / PRM

Sd/-  
CHAIRMAN

O.P.No.37 of 2014 & I.A.No.9 of 2014  
Spectrum Power Generation Ltd Vs APTRANSCO & 5 others

Petition filed under Section 86 (1) (f) of the Electricity Act, 2003 seeking adjudication of disputes between the parties, along with Interlocutory Application (I.A. No. 9 of 2014)

Sri M. Naga Deepak, learned counsel for the petitioner and Sri G.V. Brahmananda Rao, learned counsel representing Sri P. Shiva Rao, learned Standing Counsel for the respondents are present.

Heard Sri M. Naga Deepak, learned counsel for the petitioner and Sri G.V. Brahmananda Rao, learned counsel representing Sri P. Shiva Rao, learned Standing Counsel for the respondents. For orders, the matter is posted to 13-03-2019 at 2:00 PM.

Call on: 13-03-2019  
at 2:00 PM

Sd/-  
MEMBER / PRM

Sd/-  
CHAIRMAN

O.P.No.38 of 2014  
Spectrum Power Generation Ltd Vs APTRANSCO & 5 others

Petition filed under Section 86 (1) (f) of the Electricity Act, 2003 seeking adjudication of disputes between the parties.

Sri M. Naga Deepak, learned counsel for the petitioner and Sri G.V. Brahmananda Rao, learned counsel representing Sri P. Shiva Rao, learned Standing Counsel for the respondents are present.

Heard Sri M. Naga Deepak, learned counsel for the petitioner and Sri G.V. Brahmananda Rao, learned counsel representing Sri P. Shiva Rao, learned Standing Counsel for the respondents. For orders, the matter is posted to 13-03-2019 at 2:00 PM.

Call on: 13-03-2019  
at 2:00 PM

Sd/-  
MEMBER / PRM

Sd/-  
CHAIRMAN

O.P.No.56 of 2014  
Spectrum Power Generation Ltd Vs APTRANSCO & 5 others

Petition filed under Section 86 (1) (f) read with Sections 86 (1) (a) and 86 (1) (k) of the Electricity Act, 2003 for approval of completed capital cost incurred by the petitioner

Sri M. Naga Deepak, learned counsel for the petitioner and Sri G.V. Brahmananda Rao, learned counsel representing Sri P. Shiva Rao, learned Standing Counsel for the respondents are present.

Heard Sri M. Naga Deepak, learned counsel for the petitioner and Sri G.V. Brahmananda Rao, learned counsel representing Sri P. Shiva Rao, learned Standing Counsel for the respondents. For orders, the matter is posted to 13-03-2019 at 2:00 PM.

Call on: 13-03-2019  
at 2:00 PM

Sd/-  
MEMBER / PRM

Sd/-  
CHAIRMAN

R.P.No.1 of 2014 in O.P.No.44 of 2013  
APTRANSCO & 5 others (Respondents in main case) Vs Spectrum Power  
Generation Ltd (Petitioner in main case)

Petition filed under Section 94 (1) (f) of the Electricity Act, 2003 seeking review the  
Commission's order dt.27-07-2013 in O.P.No.44 of 2013

Sri G.V. Brahmananda Rao, learned counsel representing Sri P. Shiva Rao, learned  
Standing Counsel for the review petitioners and Sri M. Naga Deepak, learned  
counsel for the respondent are present.

Heard Sri G.V. Brahmananda Rao, learned counsel representing Sri P. Shiva Rao,  
learned Standing Counsel for the review petitioners and Sri M. Naga Deepak,  
learned counsel for the respondent. For orders, the matter is posted to 13-03-2019 at  
2:00 PM.

Call on: 13-03-2019  
at 2:00 PM

Sd/-  
MEMBER / PRM

Sd/-  
CHAIRMAN

O.P.No.10 of 2015  
Lanco Kondapalli Power Ltd Vs APPCC, APSPDCL & APEPDCL

Petition under Section 86 (1) (f) of the Electricity Act, 2003 claiming reimbursement  
of Bank Guarantee Commission being part of Finance & Procurement costs

Sri Challa Gunaranjan, learned counsel for the petitioner and Sri G.V. Brahmananda  
Rao, learned counsel representing Sri P. Shiva Rao, learned Standing Counsel for  
the respondents are present.

Heard Sri Challa Gunaranjan, learned counsel for the petitioner and Sri G.V.  
Brahmananda Rao, learned counsel representing Sri P. Shiva Rao, learned Standing

Counsel for the respondents. For orders, the matter is posted to 13-03-2019 at 2:00 PM.

Call on: 13-03-2019  
at 2:00 PM

Sd/-  
MEMBER / PRM

Sd/-  
CHAIRMAN

O.P.No.60 of 2012  
Nile Ltd Vs APSPDCL & TSSPDCL

Petition Seeking directions for payment on the monthly power bills

Sri Challa Gunaranjan, learned counsel for the petitioner and Sri G.V. Brahmananda Rao, learned counsel representing Sri P. Shiva Rao, learned Standing Counsel for the 1<sup>st</sup> respondent are present.

Heard Sri Challa Gunaranjan, learned counsel for the petitioner and Sri G.V. Brahmananda Rao, learned counsel representing Sri P. Shiva Rao, learned Standing Counsel for the 1<sup>st</sup> respondent. For orders, the matter is posted to 13-03-2019 at 2:00 PM.

Call on: 13-03-2019  
at 2:00 PM

Sd/-  
MEMBER / PRM

Sd/-  
CHAIRMAN

O.P.No.28 of 2017  
APSPDCL & APEPDCL Vs Konaseema Gas Power 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 444.08 MW project at Devarapalli (V), Ravulapalem (M), East Godavari District at HT-1 scheduled tariff

Sri G.V. Brahmananda Rao, learned counsel representing Sri P. Shiva Rao, learned Standing Counsel for the petitioners and Sri E. Satish Kumar, learned counsel for the 1<sup>st</sup> respondent are present.

Heard Sri G.V. Brahmananda Rao, learned counsel representing Sri P. Shiva Rao, learned Standing Counsel for the petitioners and Sri E. Satish Kumar, learned counsel for the 1<sup>st</sup> respondent. For orders, the matter is posted to 13-03-2019 at 2:00 PM.

Call on: 13-03-2019  
at 2:00 PM

Sd/-  
MEMBER / PRM

Sd/-  
CHAIRMAN

O.P.No.11 of 2015  
APSPDCL & APEPDCL Vs Konaseema Gas Power Ltd

Petition under Section 86 (1) (b) and (f) of the Electricity Act, 2003 to delete Clause reflecting alternate fuel in the definition of "Fuel" in the PPA entered by M/s. Konaseema Gas Power Ltd., with APTRANSCO, APDISCOMs,

Sri G.V. Brahmananda Rao, learned counsel representing Sri P. Shiva Rao, learned Standing Counsel for the petitioners and Sri E. Satish Kumar, learned counsel for the respondent are present.

Heard Sri G.V. Brahmananda Rao, learned counsel representing Sri P. Shiva Rao, learned Standing Counsel for the petitioners and Sri E. Satish Kumar, learned counsel for the respondent. For orders, the matter is posted to 13-03-2019 at 2:00 PM.

Call on: 13-03-2019  
at 2:00 PM

Sd/-  
MEMBER / PRM

Sd/-  
CHAIRMAN

O.P.No.41 of 2017  
M/s. Madhucon Sugar & Power Industries Ltd Vs APPCC & 4 others

Petition filed under Section 86 (1) (f) of the Electricity Act, 2003 for adjudication of dispute between the generating company and the distribution companies towards shortfall amounts as payable against invoices on account of energy supplied during October & November, 2010 in terms of Purchase Order together with interest.

Sri Challa Gunaranjan, learned counsel for the petitioner and Sri G.V. Brahmananda Rao, learned counsel representing Sri P. Shiva Rao, learned Standing Counsel for the respondents are present.

Heard Sri Challa Gunaranjan, learned counsel for the petitioner and Sri G.V. Brahmananda Rao, learned counsel representing Sri P. Shiva Rao, learned Standing Counsel for the respondents. For orders, the matter is posted to 13-03-2019 at 2:00 PM.

Call on: 13-03-2019  
at 2:00 PM

Sd/-  
MEMBER / PRM

Sd/-  
CHAIRMAN

Public hearing in the matter of allocating inflated demand by the Andhra Pradesh Gas Power Corporation Ltd (APGPCL) to its shareholders

Sri G.V. Brahmananda Rao, learned counsel representing Sri P. Shiva Rao, learned Standing Counsel for the utilities and Ms. Rashmi G. Kamath, learned counsel for APGPCL are present.

At request, the matter is posted to 30-03-2019.

Call on: 30-03-2019  
at 11:00 AM

Sd/-  
MEMBER / PRM

Sd/-  
CHAIRMAN

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. Govardhen Reddy, Manager represented on behalf of the petitioner and Sri G.V. Brahmananda Rao, learned counsel representing Sri P. Shiva Rao, learned Standing Counsel for the 1<sup>st</sup> respondent are present.

Sri P. Govardhen Reddy, Manager represented on behalf of the petitioner stated that the matter be decided on merits on the material placed before the Commission. Sri G.V. Brahmananda Rao, learned counsel representing Sri P. Shiva Rao, learned Standing Counsel for the 1<sup>st</sup> respondent requested for time due to the personal inconvenience of the Sri P. Shiva Rao, learned Standing Counsel for the 1<sup>st</sup> respondent till 08-03-2019 at 2:00 PM.

Call on:

08-03-2019  
at 2:00 PM

Sd/-  
MEMBER / PRM

Sd/-  
CHAIRMAN

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 Challa Suresh, learned counsel for the petitioner and Sri G.V. Brahmananda Rao, learned counsel representing Sri P. Shiva Rao, learned Standing Counsel for the utilities are present.



Sri Challa Suresh, learned counsel for the petitioner represented that the matter be decided on merits on the material placed before the Commission by the parties. Sri G.V. Brahmananda Rao, learned counsel representing Sri P. Shiva Rao, learned Standing Counsel for respondents 1, 3 and 4 requested for time to get instructions. Hence, the matter is posted to 08-03-2019 at 2:00 PM.

Call on: 08-03-2019  
at 2:00 PM

Sd/-  
MEMBER / PRM

Sd/-  
CHAIRMAN

O.P.No.10 of 2018  
FOR ORDERS

M/s. SNJ Sugars and Products Ltd Vs APTRANSCO & APSPDCL

Petition under Section 86 (1) (f) of the Electricity Act, 2003 r/w APERC (Conduct of Business) Regulations, 1999 for recovery of Rs.62,86,451/- along with interest of Rs.1,23,71,566/-, totalling to an amount Rs.1,86,58,017/- towards balance amount, payable for the energy supplied by the petitioner during the period from 21-01-2004 to 31-03-2004 as per tariff determined by the APERC vide order dated 27-08-2012 in R.P.No. 10 of 2003 and in terms of the tariff agreed as per PPA dated 10-07-2002 and future interest

Sri M.S. Prasad, learned Senior Counsel and Sri Challa Gunaranjan, learned counsel for the petitioner and Sri G.V. Brahmananda Rao, learned counsel representing Sri P. Shiva Rao, learned Standing Counsel for the respondents are present.

Orders are not ready. For orders, the matter is posted to 08-03-2019 at 2:00 PM.

Call on: 08-03-2019  
at 2:00 PM

Sd/-  
MEMBER / PRM

Sd/-  
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 Challa Gunaranjan, learned counsel for the petitioner and Sri G.V. Brahmananda Rao, learned counsel representing Sri P. Shiva Rao, learned Standing Counsel for the respondents are present.

Orders are not ready. For orders, the matter is posted to 13-03-2019 at 2:00 PM.

Call on: 13-03-2019  
at 2:00 PM

Sd/-  
MEMBER / PRM

Sd/-  
CHAIRMAN

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 Challa Gunaranjan, learned counsel for the petitioner and Sri G.V. Brahmananda Rao, learned counsel representing Sri P. Shiva Rao, learned Standing Counsel for the respondents are present.

Orders are not ready. For orders, the matter is posted to 13-03-2019 at 2:00 PM.

Call on: 13-03-2019  
at 2:00 PM

Sd/-  
MEMBER / PRM

Sd/-  
CHAIRMAN

O.P.No.79 of 2012  
FOR ORDERS  
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 G.V. Brahmananda Rao, learned counsel representing Sri P. Shiva Rao, learned Standing Counsel for the respondents are present.

Orders pronounced (*vide separate common order*)

“18. Therefore, the records in O.P.No.79 of 2012, O.P.No.12 of 2014 & I.A.No.3 of 2014, O.P.No.60 of 2013 & I.A.No.37 of 2013 and O.P.No.6 of 2017 shall be duly indexed and transmitted to the Central Electricity Regulatory Commission for being proceeded with in accordance with law in compliance with the common order of the Hon'ble High Court of Judicature at Hyderabad For the State of Telangana and the State of Andhra Pradesh in W.P.No.15848 of 2015 & batch dated 31-12-2018”.

Sd/-  
MEMBER / PRM

Sd/-  
CHAIRMAN

O.P.No.60 of 2013 & I.A.No.37 of 2013  
FOR ORDERS  
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 Naptha at the project of the respondent and after the year 2009 and as to the probable date of dismantling of Naptha tanks, by inspecting the project premises and the records

Sri G.V. Brahmananda Rao, learned counsel representing Sri P. Shiva Rao, learned Standing Counsel for the petitioners and Sri P. Vikram, learned counsel for the respondent are present.

Orders pronounced (*vide separate common order*)

“18. Therefore, the records in O.P.No.79 of 2012, O.P.No.12 of 2014 & I.A.No.3 of 2014, O.P.No.60 of 2013 & I.A.No.37 of 2013 and O.P.No.6 of 2017 shall be duly indexed and transmitted to the Central Electricity Regulatory Commission for being proceeded with in accordance with law in compliance with the common order of the Hon’ble High Court of Judicature at Hyderabad For the State of Telangana and the State of Andhra Pradesh in W.P.No.15848 of 2015 & batch dated 31-12-2018”.

Sd/-  
MEMBER / PRM

Sd/-  
CHAIRMAN

O.P.No.12 of 2014 & I.A.No.3 of 2014  
FOR ORDERS  
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, leaned counsel for the petitioner and Sri G.V. Brahmananda Rao, learned counsel representing Sri P. Shiva Rao, learned Standing Counsel for the respondents are present.

Orders pronounced (*vide separate common order*)

“18. Therefore, the records in O.P.No.79 of 2012, O.P.No.12 of 2014 & I.A.No.3 of 2014, O.P.No.60 of 2013 & I.A.No.37 of 2013 and O.P.No.6 of

2017 shall be duly indexed and transmitted to the Central Electricity Regulatory Commission for being proceeded with in accordance with law in compliance with the common order of the Hon'ble High Court of Judicature at Hyderabad For the State of Telangana and the State of Andhra Pradesh in W.P.No.15848 of 2015 & batch dated 31-12-2018”.

Sd/-  
MEMBER / PRM

Sd/-  
CHAIRMAN

O.P.No.29 of 2017

FOR ORDERS

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 G.V. Brahmananda Rao, learned counsel representing Sri P. Shiva Rao, learned Standing Counsel for the petitioners and Sri M. Naga Deepak, learned counsel for 1<sup>st</sup> respondent are present.

Orders pronounced (*vide separate order*)

“9. Accordingly the petition is dismissed without costs. However, the result of this petition will not affect the liberty of the parties to enter into such or any other agreement relating to the subject matter of this petition on their own volition and free will. This order is not an adjudication on the truth or otherwise of the 1<sup>st</sup> respondent drawing the imported energy in question or on the quantification of such imported energy consumed or its value. If the petitioners are so entitled under law otherwise, they are at liberty to seek appropriate remedies as per law for recovery of the value

of any imported energy consumed by the 1<sup>st</sup> respondent beyond and independent of the terms and conditions of the Power Purchase Agreement between the parties”.

Sd/-  
MEMBER / PRM

Sd/-  
CHAIRMAN

O.P.No.6 of 2017

FOR ORDERS

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 G.V. Brahmananda Rao, learned counsel representing Sri P. Shiva Rao, learned Standing Counsel for the petitioners and Sri P. Vikram, learned counsel for 1<sup>st</sup> respondent are present.

Orders pronounced (*vide separate common order*)

“18. Therefore, the records in O.P.No.79 of 2012, O.P.No.12 of 2014 & I.A.No.3 of 2014, O.P.No.60 of 2013 & I.A.No.37 of 2013 and O.P.No.6 of 2017 shall be duly indexed and transmitted to the Central Electricity Regulatory Commission for being proceeded with in accordance with law in compliance with the common order of the Hon’ble High Court of Judicature at Hyderabad For the State of Telangana and the State of Andhra Pradesh in W.P.No.15848 of 2015 & batch dated 31-12-2018”.

Sd/-  
MEMBER / PRM

Sd/-  
CHAIRMAN

O.P.No.27 of 2019

M/s. Spectrum Power Generation Limited Vs APSPDCL & APEPDCL

Petition under Section 62 (1), 86 (1) (b) of the Electricity Act, 2003 read with Clause (55) of APERC (Conduct of Business) Regulations, seeking approval for the tariff (FC & VC) as proposed by them for the FY 2018-19 and FY 2019-20 i.e., fixed cost at Rs.0.92 / Kwh on actual units supplied subject to an overall ceiling of Rs.108.17 crores and change in variable cost from time to time based on revision in natural gas prices with effect from 01-04-2019 as pass through basis

Sri M. Naga Deepak, learned counsel for the petitioner and Sri G.V. Brahmananda Rao, learned counsel representing Sri P. Shiva Rao, learned Standing Counsel for the respondents are present.

Sri P. Shiva Rao, learned Standing Counsel entered appearance for both the respondents and Sri G.V. Brahmananda Rao, learned counsel representing him sought for time to file counter. Hence, for filing of counter, the matter is posted to 12-04-2019 at 2:00 PM.

Call on:

12-04-2019  
at 2:00 PM

Sd/-  
MEMBER / PRM

Sd/-  
CHAIRMAN

O.P.No.28 of 2019

M/s. Bharath Wind Farm Ltd Vs APSPDCL

Petition filed u/s 86 (1) (f) of the Electricity Act, 2003 for directions to the respondent in seeking declaration of applicable tariff and payment thereof for the supply of electricity by the petitioner to the respondent

Sri G.V. Brahmananda Rao, learned counsel representing Sri P. Shiva Rao, learned Standing Counsel for the respondent is present.

Sri P. Shiva Rao, learned Standing Counsel entered appearance for the respondent and Sri G.V. Brahmananda Rao, learned counsel representing him sought for time to

file counter. Hence, for filing of counter, the matter is posted to 12-04-2019 at 2:00 PM.

Call on: 12-04-2019  
at 2:00 PM

Sd/-  
MEMBER / PRM

Sd/-  
CHAIRMAN

O.P.No.29 of 2019  
M/s. Satya Maharshi Power Corporation Limited Vs APSPDCL & 3 others

Petition under Section 86 (1) (f) of the Electricity Act, 2003 and APERC (Conduct of Business) Regulations, 1999 for direction of payment of interest towards on delayed payment of power bills for the Financial Years 2016-17, 2017-18 in terms of PPA dated 10-05-2019

Sri Challa Gunaranjan, learned counsel for the petitioner and Sri G.V. Brahmananda Rao, learned counsel representing Sri P. Shiva Rao, learned Standing Counsel for the respondents are present.

Sri P. Shiva Rao, learned Standing Counsel entered appearance for the respondents and Sri G.V. Brahmananda Rao, learned counsel representing him sought for time to file counter. Hence, for filing of counter, the matter is posted to 12-04-2019 at 2:00 PM.

Call on: 12-04-2019  
at 2:00 PM

Sd/-  
MEMBER / PRM

Sd/-  
CHAIRMAN

O.P.No.21 of 2019  
M/s. RCI Power Limited Vs APSPDCL

Petition under Section 86 (1) (f) of the Electricity Act, 2003 for directions to the Respondent in seeking declaration of applicable tariff ad payment thereof for the supply of electricity by the petitioner to the respondent

Sri G.V. Brahmananda Rao, learned counsel representing Sri P. Shiva Rao, learned Standing Counsel for the respondent is present.



Sri P. Shiva Rao, learned Standing Counsel entered appearance for the respondent and Sri G.V. Brahmananda Rao, learned counsel representing him sought for time to file counter. Hence, for filing of counter, the matter is posted to 12-04-2019 at 2:00 PM.

Call on:

12-04-2019  
at 2:00 PM

Sd/-  
MEMBER / PRM

Sd/-  
CHAIRMAN