

**Record of proceedings dated 02-11-2019**

O.P.No.42 of 2019  
M/s. Srivathsa Power Projects Pvt Ltd Vs APEPDCL

Petition filed u/s 86 (1) (b) of the Electricity Act, 2003 r/w Clause 55 of APERC (Conduct of Business) Regulations to reconsider the fixation of variable cost on pass through basis instead of variable rate of Rs.2.91/- per unit in respect of the petitioner.

Sri Srinivas, Manager (Accounts) representing the petitioner, Sri P. Shiva Rao, learned Standing Counsel for the respondent and Sri M. Venugopala Rao are present.

At the outset, one of us (the Chairman) disclosed to the counsel appearing for both parties that he was counsel for M/s. Srivathsa Power Projects Private Limited before his elevation as a Judge of the High Court of Andhra Pradesh, but, however, declaring that he has no personal interest either in the party or in the subject. The learned counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the respondent conveyed their no objection to Chairman participating in the adjudicatory process of the case along with the learned Members.

Sri Srinivas, Manager (Accounts) of the petitioner power project sought for further time for filing rejoinder. His request is accordingly accepted and time is extended till 16-11-2019 finally.

Call on:

16-11-2019  
at 11:00 AM

Sd/-  
MEMBER / PRM

Sd/-  
CHAIRMAN

Sd/-  
MEMBER / PR

O.P.No.41 of 2019

M/s. Palnadu Solar Power Pvt. Ltd Vs CMD / APSPDCL  
CE / APPCC / APTRANSCO and CGM / Projects & IPC / APSPDCL

Petition filed u/s 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 competitive bidding process.

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

Sri M. Sridhar, learned counsel representing Sri Challa Gunaranjan, learned counsel for the petitioner requested for one more adjournment for filing rejoinder as a last chance. Accordingly time is extended for filing rejoinder till 16-11-2019 with the condition that if the rejoinder is not filed by the next date of hearing, the opportunity of filing rejoinder will stand forfeited.

Call on:

16-11-2019  
at 11:00 AM

Sd/-  
MEMBER / PRM

Sd/-  
CHAIRMAN

Sd/-  
MEMBER / PR

O.P.No.40 of 2019

GMR Vemagiri Power Generation Ltd Vs APSPDCL, APEPDCL & M/s. Spectrum Power Generation Ltd

Petition challenging the short-term purchase of power by the Respondent No.1 & 2 from the Respondent No.3

Ms. Pujitha Gorantla, learned counsel for M/s. GMR Vemagiri Power Generation Limited, Sri P. Shiva Rao, learned Standing Counsel for the utilities, Sri T. Uma Sankar, learned counsel for M/s. Spectrum Power Generation Limited and Sri M. Venugopala Rao, learned objector are present.

Ms. Pujitha Gorantla, learned counsel for M/s. GMR Vemagiri Power Generation Limited presented rejoinders to the Commission at the hearing after serving on the learned counsel for respondents 1 & 2 and respondent No.3. She requested for posting the case for argument. Hence, the matter is posted to 03-12-2019.

Call on: 03-12-2019  
at 11:00 AM

Sd/-  
MEMBER / PRM

Sd/-  
CHAIRMAN

Sd/-  
MEMBER / PR

I.A.No.3 of 2019 in O.P.No.8 of 2018  
Lanco Kondapalli Power Limited (Respondent in main O.P) Vs APDISCOMs  
(Petitioners in main O.P)

Application under Section 86 (1) (b) of Electricity Act, 2003 read with Clause (55) of APERC (Conduct of Business) Regulations seeking directions to the respondents to pay variable cost on pass through basis corresponding to the increase / decrease in cost of fuel from time to time for the exported units from the generating station and the same is taken on the file of the Commission as I.A. No. 3 of 2019 in O.P. No. 8 of 2018

Sri Challa Gunaranjan, learned counsel for the petitioner, Sri P. Shiva Rao, learned Standing Counsel for the respondents, Ms. Pujitha Gorantla, learned counsel M/s. GMR Vemagiri Power Generation Limited and Sri M. Venugopala Rao, learned objector are present.

The Commission decides to dispose of I.A.No.3 of 2019 along with O.P.No.8 of 2018 itself finally. The learned counsel for the parties also conveyed their no objection in this regard. At their request, the O.P.No.8 of 2018 along with the I.A. stands posted to 03-12-2019 at 11:00 AM.

Call on: 03-12-2019  
at 11:00 AM

Sd/-  
MEMBER / PRM

Sd/-  
CHAIRMAN

Sd/-  
MEMBER / PR

O.P.No.8 of 2018  
APSPDCL & APEPDCL Vs M/s. Lanco Kondapalli Power Ltd

Petition filed u/s 86 (1) (b) of the Electricity Act, 2003 seeking renewal of PPA with  
M/s. Lanco Kondapalli Power Ltd.

Sri P. Shiva Rao, learned Standing Counsel for the petitioners, Sri Challa Gunaranjan, learned counsel for the responden, Ms. Pujitha Gorantla, learned counsel M/s. GMR Vemagiri Power Generation Limited and Sri M. Venugopala Rao, learned objector are present.

The Commission decides to dispose of O.P.No.8 of 2018 itself finally. The learned counsel for the parties also conveyed their no objection in this regard. At their request, O.P.No.8 of 2018 stands posted to 03-12-2019 at 11:00 AM.

Call on: 03-12-2019  
at 11:00 AM

Sd/-  
MEMBER / PRM

Sd/-  
CHAIRMAN

Sd/-  
MEMBER / PR

I.A.No.6 of 2019 in O.P.No.8 of 2018 and I.A.No.7 of 2019 in I.A.No.6 of 2019  
APSPDCL & APEPDCL Vs M/s. Lanco Kondapalli Power Ltd

M/s. GMR Vemagiri Power Generation Ltd filed Intervention cum Objection affidavit  
and interlocutory application

Sri P. Shiva Rao, learned Standing Counsel for the petitioners, Sri Challa Gunaranjna, learned counsel for M/s. Lanco Kondapalli Power Limited, Ms. Pujitha Gorantla, learned counsel M/s. GMR Vemagiri Power Generation Limited, Intervention Petitioner and Sri M. Venugopala Rao, learned objector are present.

The Commission decides to dispose of I.A.No.6 of 2019 and I.A.No.7 of 2019 along with the main O.P. finally. The learned counsel for the parties also conveyed their no

objection in this regard. At their request, O.P.No.8 of 2018 along with the IAs stand posted to 03-12-2019 at 11:00 AM.

Call on: 03-12-2019  
at 11:00 AM

Sd/-  
MEMBER / PRM

Sd/-  
CHAIRMAN

Sd/-  
MEMBER / PR

I.A.No.16 of 2019 in O.P.No.8 of 2018  
APSPDCL & APEPDCL Vs M/s. Lanco Kondapalli Power Ltd

Application filed by the above mentioned applicants / petitioners under Order 21, Rule 1 CPC, seeking permission to withdraw the O.P.No.8 of 2018 (APDISCOMS Vs. M/s. Lanco Kondapalli Power Ltd, seeking renewal of PPA) and dismiss the same as withdrawn

Sri P. Shiva Rao, learned Standing Counsel for the petitioners, Sri Challa Gunaranjan, learned counsel for M/s. Lanco Kondapalli Power Limited and Ms. Pujitha Gorantla, learned counsel M/s. GMR Vemagiri Power Generation Limited are present.

The Commission decides to dispose of I.A.No.16 of 2019 along with main O.P. finally. The learned counsel for the parties also conveyed their no objection in this regard. At their request, O.P.No.8 of 2018 along with I.A. stands posted to 03-12-2019 at 11:00 AM.

Call on: 03-12-2019  
at 11:00 AM

Sd/-  
MEMBER / PRM

Sd/-  
CHAIRMAN

Sd/-  
MEMBER / PR

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 P. Shiva Rao, learned Standing Counsel for the petitioners, Ms. Mazag Andrabi,  
learned counsel for (i) M/s. Karam Chand Thapar & 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. Molagavalli Renewable Private Limited (ix) M/s. Sterling Agro Industries  
Limited; Sri P. Sri Raghu Ram, learned Senior Counsel on behalf of Sri P. Vikram,  
learned counsel for (i) M/s. Skiron Renewable Energy (Amidyala) Private Limited (ii)  
M/s. Guttaseema Wind Energy Company Private Limited (iii) M/s. Vayuputhra  
Energy Private Limited (iv) M/s. Kanhur Wind Power Private Limited (v) M/s. Animala  
Wind Power Private Limited (vi) M/s. JED Solar Parks Private Limited & (vii) M/s.  
Poly Solar Parks Private Limited; Sri K. Syamala Rao, Deputy Manager representing  
(i) M/s. Eenadu Television Private Limited & (ii) M/s. Ushodaya Enterprises Private  
Limited; Sri Mantha Srinivas, learned counsel for (i) M/s. Axis Wind Energy (MPR  
Dam) & (ii) M/s. Orange Anantapur Wind Power Private Limited; Sri Challa  
Gunaranjan, learned counsel for (i) M/s. Jindal Aluminium Limited (ii) M/s. Vibrant  
Green Tech India Limited & (iii) M/s. Sunwin Power Tech India Private Limited; Sri  
Deepak Chowdhury, learned counsel for (i) M/s. Axis Wind Energy (Anantapur)  
Private Limited & (ii) M/s. Axis Wind Farms (Rayalaseema) Private Limited; Sri

Tushar Nagar, learned counsel for M/s. Green Infra Wind Solutions Limited; Sri Aditya K Singh and Molshree, learned counsel for M/s. Mytrah Vayu (Indravathi) Private Limited & (ii) M/s. Mytrah Vayu (Tungabadra) Private Limited, (iii) M/s. Mytrah Vayu (Krishna) Private Limited; Avijeet Lala & Sri Nethan Reddy, learned counsel representing Sri Avinash Desai, learned counsel for M/s. Vayu Urja Bharat Private Limited and Sri M. Venugopala Rao, learned objector are present.

Sri P. Sri Raghu Ram, learned Senior Counsel submitted that a Memo dated 27-09-2019 has been filed raising the issue of lack of jurisdiction and the Commission may hear the same as a preliminary objection. Learned Advocate General however submitted that this issue may also be decided along with main O.P. He brought to the notice of the Commission that in a recent Order in W.P.No.2401 of 2019 & batch dated 24-09-2019, a learned Single Judge of the Hon'ble High Court has relegated the issue relating to the review of Power Purchase Agreements which is the subject matter of the present O.P. to this Commission. However, certified copy of the order has not been placed before the Commission by any of the learned counsel appearing in this matter. Therefore, the Commission felt it appropriate to defer the hearing of the Memo along with the O.P. filed by the parties till one of the parties files the authenticated copy of the Order of the Hon'ble High Court. Sri P. Vikram, learned counsel for 41<sup>st</sup> respondent offered to file an authenticated copy before the next date of hearing, which shall be 07-12-2019.

Call on:

07-12-2019  
at 11:00 AM

Sd/-  
MEMBER / PRM

Sd/-  
CHAIRMAN

Sd/-  
MEMBER / PR

O.P.No.16 of 2010 & IA No.7 of 2011  
Tata Trading Company Vs DISCOMs & APTRANSCO  
Petition against the illegal, unilateral and wrongful deductions towards illegal  
compensation claim for supply of short term power

Interlocutory petition filed by the petitioner in the OP seeking interim orders for  
release of the amounts on production of bank guarantee pending disposal of the  
main O.P. i.e., O.P.No.16 of 2010

Sri Nethan Reddy, learned counsel representing Sri Avinash Desai, learned counsel  
for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the  
respondents are present.

Learned counsel for both parties represented that the stay granted by Hon'ble High  
Court is still continuing. Therefore, the case is adjourned *sine a die*, however, with  
liberty to either counsel to file a Memo if and when the stay is vacated by the Hon'ble  
High Court.

Sd/-  
MEMBER / PRM

Sd/-  
CHAIRMAN

Sd/-  
MEMBER / PR

O.P.Nos.495 to 499 of 2003  
AP TRANSCO & batch Vs M/s. Andhra Pradesh Paper Mills & others

Commission by order dated 22-03-2004 determined Bulk Supply Tariff, Transmission  
Charges, SLDC Charges (Common order in O.P.Nos.495 to 499 of 2003)

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

Sri K. Gopal Choudary, learned counsel appearing for some of the parties in this  
batch of cases informed the Commission that the Hon'ble Supreme Court has heard  
the cases arising out of the order of the Hon'ble Appellate Tribunal for Electricity and  
reserved Judgment. He requested for an adjournment. The other learned counsel  
have not opposed his request. This batch of cases shall accordingly stand posted to  
21-12-2019.

Call on:

21-12-2019  
at 11:00 AM

Sd/-  
MEMBER / PRM

Sd/-  
CHAIRMAN

Sd/-  
MEMBER / PR



O.P.Nos.30 to 34 of 2004  
APTRANSCO Vs Small Hydro Power Developers ' Association & others

Commission by order dated 22-03-2005 determined Bulk Supply Tariff, Transmission Charges, SLDC Charges (Common order in O.P.Nos.30 to 34 of 2004)

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

Sri K. Gopal Choudary, learned counsel appearing for some of the parties in this batch of cases informed the Commission that the Hon'ble Supreme Court has heard the cases arising out of the order of the Hon'ble Appellate Tribunal for Electricity and reserved Judgment. He requested for an adjournment. The other learned counsel have not opposed his request. This batch of cases shall accordingly stand posted to 21-12-2019.

Call on:

21-12-2019  
at 11:00 AM

Sd/-  
MEMBER / PRM

Sd/-  
CHAIRMAN

Sd/-  
MEMBER / PR

O.P.Nos.1 to 5 of 2006  
APTRANSCO Vs Small Hydro Power Developers ' Association & others

Determination of tariffs including transmission charges. Certain generators questioned the Tariff Order dt.23.03.2006 in respect of levy of transmission charges.

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

Sri K. Gopal Choudary, learned counsel appearing for some of the parties in this batch of cases informed the Commission that the Hon'ble Supreme Court has heard the cases arising out of the order of the Hon'ble Appellate Tribunal for Electricity and reserved Judgment. He requested for an adjournment. The other learned counsel

have not opposed his request. This batch of cases shall accordingly stand posted to 21-12-2019.

Call on: 21-12-2019  
at 11:00 AM

Sd/-  
MEMBER / PRM

Sd/-  
CHAIRMAN

Sd/-  
MEMBER / PR

O.P.No.30 of 2017  
APSPDCL & APEPDCL Vs M/s. GMR Vemagiri Power Generation 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 370 MW project at Vemagiri (V), Kadium (M), East Godavari District at HT-1 scheduled tariff

Sri P. Shiva Rao, learned Standing Counsel for the petitioner and Ms. Pujitha Gorantla, learned counsel M/s. GMR Vemagiri Power Generation Limited, 1<sup>st</sup> respondent are present.

Learned counsel for both parties represented that the stay granted by Hon'ble High Court is still continuing. Therefore, the case is adjourned *sine a die*, however, with liberty to either counsel to file a Memo if and when the stay is vacated by the Hon'ble High Court.

Sd/-  
MEMBER / PRM

Sd/-  
CHAIRMAN

Sd/-  
MEMBER / PR

RP No.1 / 2010 in O.P.Nos.17 to 20 / 2008  
M/s. RPP Ltd Vs DISCOMs

Petition for reviewing the tariff order dated 20.03.2009 in O.P. Nos. 17 to 20 of 2008 in respect of wheeling tariff for FY 2009-10 to 2013-14 and RST for FY 2009-10.

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

All the learned counsel informed the Commission that the order of *status quo* granted by the Hon'ble Supreme Court with reference to the issues similar to the

ones arising in the present Original Petitions is still in force. Though technically, there is no legal bar on adjudicating these Original Petitions, the Commission is of the opinion that propriety requires to defer the hearing till the Hon'ble Supreme Court adjudicates the issues, which go to the root of the jurisdiction of this Commission. Therefore, with the consensus of the learned counsel, all these cases are adjourned *sine a die*, however, with liberty to either counsel to file a Memo as and when the Hon'ble Supreme Court adjudicates the issues pending before it.

Sd/-  
MEMBER / PRM

Sd/-  
CHAIRMAN

Sd/-  
MEMBER / PR

RP No. 2 / 2010 in O.P.No.21 / 2008  
M/s. RPP Ltd Vs APTRANSCO

Petition for review of tariff order dated 20.03.2009 in O.P. No.21 of 2008 in respect of transmission tariff for FY 2009-10 to 2013-14.

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

All the learned counsel informed the Commission that the order of *status quo* granted by the Hon'ble Supreme Court with reference to the issues similar to the ones arising in the present Original Petitions is still in force. Though technically, there is no legal bar on adjudicating these Original Petitions, the Commission is of the opinion that propriety requires to defer the hearing till the Hon'ble Supreme Court adjudicates the issues, which go to the root of the jurisdiction of this Commission. Therefore, with the consensus of the learned counsel, all these cases are adjourned *sine a die*, however, with liberty to either counsel to file a Memo as and when the Hon'ble Supreme Court adjudicates the issues pending before it.

Sd/-  
MEMBER / PRM

Sd/-  
CHAIRMAN

Sd/-  
MEMBER / PR

RP No. 3 / 2010 in O.P.Nos.17 to 20 / 2008  
KCP & 2 others Vs APPCC, APTRANSCO & DISCOMs

Petition for reviewing the tariff order dated 20.03.2009 in O.P. Nos. 17 to 20 of 2008 in respect of wheeling tariff for FY 2009-10 to 2013-14 and RST for FY 2009-10.

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

All the learned counsel informed the Commission that the order of *status quo* granted by the Hon'ble Supreme Court with reference to the issues similar to the ones arising in the present Original Petitions is still in force. Though technically, there is no legal bar on adjudicating these Original Petitions, the Commission is of the opinion that propriety requires to defer the hearing till the Hon'ble Supreme Court adjudicates the issues, which go to the root of the jurisdiction of this Commission. Therefore, with the consensus of the learned counsel, all these cases are adjourned *sine a die*, however, with liberty to either counsel to file a Memo as and when the Hon'ble Supreme Court adjudicates the issues pending before it.

Sd/-  
MEMBER / PRM

Sd/-  
CHAIRMAN

Sd/-  
MEMBER / PR

RP No. 4 / 2010 in O.P.No.21 / 2008  
KCP & 2 others Vs APPCC, APTRANSCO & DISCOMs

Petition for review of tariff order dated 20.03.2009 in O.P. Nos. 17 to 20 of 2009 in respect of transmission tariff for FY 2009-10 to 2013-14.

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

All the learned counsel informed the Commission that the order of *status quo* granted by the Hon'ble Supreme Court with reference to the issues similar to the ones arising in the present Original Petitions is still in force. Though technically, there is no legal bar on adjudicating these Original Petitions, the Commission is of the

opinion that propriety requires to defer the hearing till the Hon'ble Supreme Court adjudicates the issues, which go to the root of the jurisdiction of this Commission. Therefore, with the consensus of the learned counsel, all these cases are adjourned *sine a die*, however, with liberty to either counsel to file a Memo as and when the Hon'ble Supreme Court adjudicates the issues pending before it.

Sd/-  
MEMBER / PRM

Sd/-  
CHAIRMAN

Sd/-  
MEMBER / PR

RP No. 5 / 2010 in OP Nos.17 to 20 / 2008  
Small Hydro Power Developers Association & 16 others Vs DISCOMs

Petition for reviewing the tariff order dated 20.03.2009 in O.P. Nos. 17 to 20 of 2008 in respect of wheeling tariff for FY 2009-10 to 2013-14 and RST for FY 2009-10.

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

All the learned counsel informed the Commission that the order of *status quo* granted by the Hon'ble Supreme Court with reference to the issues similar to the ones arising in the present Original Petitions is still in force. Though technically, there is no legal bar on adjudicating these Original Petitions, the Commission is of the opinion that propriety requires to defer the hearing till the Hon'ble Supreme Court adjudicates the issues, which go to the root of the jurisdiction of this Commission. Therefore, with the consensus of the learned counsel, all these cases are adjourned *sine a die*, however, with liberty to either counsel to file a Memo as and when the Hon'ble Supreme Court adjudicates the issues pending before it.

Sd/-  
MEMBER / PRM

Sd/-  
CHAIRMAN

Sd/-  
MEMBER / PR

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

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

At the outset, one of us (the Chairman) disclosed to the counsel appearing for all the parties that he was counsel for Andhra Pradesh Gas Power Corporation Ltd (APGPCL) and some of its shareholders before his elevation as a Judge of the High Court of Andhra Pradesh, but, however, declaring that he has no personal interest either in the party or in the subject. All the learned counsel including Sri P. Shiva Rao, learned Standing Counsel for Transmission Corporation of Andhra Pradesh Limited and Distribution Companies of Andhra Pradesh Limited conveyed their no objection to Chairman participating in the adjudicatory process of the case along with the learned Members.

Sri K. Gopal Choudary, learned counsel submitted that the issues arising in this batch of cases consequent on the division of the erstwhile State of Andhra Pradesh are (i) Whether the Central Electricity Regulatory Commission alone has jurisdiction to decide the issue (ii) Even if the issues fall in the category of intrastate supply, which of the two State Commissions viz., Andhra Pradesh Electricity Regulatory Commission and Telangana State Electricity Regulatory Commission has jurisdiction to decide the issues and (iii) Whether this Commission has power / jurisdiction to initiate *suo motu* proceedings and decide the issue. As the issues (i) & (ii) are in pending before the Hon'ble Supreme Court, the Commission finds it appropriate to await the Judgment of the Hon'ble Supreme Court. Hence, these cases are adjourned *sine a die* with liberty to either counsel to file a Memo as and when the Hon'ble Supreme Court adjudicates the issues pending before it.

Sd/-  
MEMBER / PRM

Sd/-  
CHAIRMAN

Sd/-  
MEMBER / PR

O.P.No.37 of 2019  
Sri.Ch.Chandramouli & Sri. Ch. Venugopal Rao Vs Shri A.Md. Imtiaz, I.A.S.,  
Collector & District Magistrate, Chilakalapudi, Machilipatnam, Krishna District

Petition filed under Sections 142 and 146 of the Electricity Act, 2003

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

Learned counsel for both parties represented that the stay granted by Hon'ble High Court is still continuing. Therefore, the case is adjourned *sine a die*, however, with liberty to either counsel to file a Memo if and when the stay is vacated by the Hon'ble High Court.

Sd/-  
MEMBER / PRM

Sd/-  
CHAIRMAN

Sd/-  
MEMBER / PR

Public hearing in O.P.No.1 to 16, 22 to 26 of 2019 along with connected Power Purchase Agreements (21 Nos.) between M/s Axis Wind Farms (Uravakonda) Pvt. Ltd. and APSPDCL & batch

Public hearing in the petitions filed u/s 61 (h), 62 (1) (a), 64 (1), 86 (1) (a), 86 (1) (b) and 86 (1) (e) of the Electricity Act, 2003 r/w CERC (Terms and Conditions for tariff determination from Renewable Energy Sources) Regulations, 2017 and Section 21 of the A.P. Electricity Reform Act, 1998.

Public hearing on 16 Nos. PPAs (12 + 4) and their amendments in respect of clients of M/s. Suzlon Energy and M/s. Axis Energy Ventures India Pvt Ltd filed by APSPDCL for consent of the Commission

Public hearing on 5 Nos. PPAs and their amendments in respect of clients of M/s. Suzlon Energy and M/s. Axis Energy Ventures India Pvt Ltd filed by APSPDCL for consent of the Commission

Public hearing on 21 Nos PPAs (12 + 4 + 5) and their amendments in respect of client of M/s. Suzlon Energy and M/s. Axis Energy Ventures India Pvt. Ltd filed by APSPDCL for consent of the Commission.

Sri Deepak Chowdhury, INDUS Law Firm, learned counsel for the petitioners and Sri P. Shiva Rao, learned Standing Counsel for the respondents/utilities and Sri M. Venugopala Rao, learned objector are present.

Learned counsel for both parties submitted that the interim orders granted by the Hon'ble Appellate Tribunal for Electricity staying further proceedings pending before

this Commission are still in force. In view of the same, all these batch of Original Petitions shall stand adjourned *sine a die*, however, with liberty to either counsel to file a Memo if and when the stay is vacated by the Hon'ble Appellate Tribunal for Electricity.

Sd/-  
MEMBER / PRM

Sd/-  
CHAIRMAN

Sd/-  
MEMBER / PR

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 T. Uma Sankar, learned counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the respondents are present.

It is represented by the learned counsel for the petitioner that this Original Petition is interconnected with O.P.No.40 of 2019 and batch and that the said batch cases have been posted to 03-12-2019 for hearing. Accordingly, tag on this O.P. to the said O.Ps.

Call on:

03-12-2019  
at 11:00 AM

Sd/-  
MEMBER / PRM

Sd/-  
CHAIRMAN

Sd/-  
MEMBER / PR

O.P.No.54 of 2019 & I.A.No.18 of 2019

Wind Independent Power Producers Association (WIPPA) Vs APSLDC & APTRANSCO

Petition u/s 33 (4) of the Electricity Act, 2003 r/w Section 86 (1) (e) along with Regulation 16 (2) of the APERC (Conduct of Business) Regulations, 1999 seeking appropriate direction(s) / orders(s) from the Commission against the statutory authorities namely APSLDC and APTRANSCO to address and adjudicate the



dispute arising due to non-performance of statutory obligations by the said entities and further seeking constitution of an Independent Committee to enquire and examine the conduct and actions of the said entities which has severely prejudiced the rights and interests of the Wind Power Developers of the State of Andhra Pradesh

Interlocutory Application filed for interim directions in the main petition

Ms. Molshree Bhatnagar & Sri Nethan Reddy, learned counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the respondents are present.

Sri P. Shiva Rao, learned counsel for APSLDC produced an alleged compliance letter addressed by the Chief Engineer, APSLDC to the Secretary of this Commission. However on being pointed out by the Commission, Sri P. Shiva Rao conceded that the said letter is not in full compliance with the order passed by Sri P. Rama Mohan, learned Member of this Commission. He requested for an adjournment for filing an affidavit explaining the reasons for making partial compliance of the said order of the learned Member of this Commission. Hence, the matter is posted to 16-11-2019.

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

Sd/-  
MEMBER / PRM

Sd/-  
CHAIRMAN

Sd/-  
MEMBER / PR

O.P.No.64 of 2019

M/s. Indian Oil Corporation Limited Vs APSPDCL & APTRANSCO

Petition under Section 86(1) (f) of the Electricity Act, 2003 read with APERC (Conduct of Business) Regulations, 1999 seeking directions to the respondents for releasing payment against the outstanding monthly invoices towards sale of wind energy along with the interest / delayed payment surcharge on such delayed payments, payments of amounts deducted towards 1% rebate from monthly invoices and interest on delayed payment as per Articles 2.2 and 5.2 of the Power Purchase Agreements dated 08-05-2012, 31-03-2012, 21-03-2013 and 18-07-2014

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

Learned Standing Counsel for the respondents while submitting that his client has filed the counter affidavit at the Commission's office at Vijayawada, presented the copies of the same before the Commission at the hearing after serving one copy on Sri Challa Gunaranjan, learned counsel for the petitioner. At the request of Sri Challa Gunaranjan, learned counsel for the petitioner, the matter is posted to 07-12-2019 for filing rejoinder with advance service on the counsel for respondents.

Call on: 07-12-2019  
at 11:00 AM

Sd/-  
MEMBER / PRM

Sd/-  
CHAIRMAN

Sd/-  
MEMBER / PR

O.P.No.55 of 2019  
M/s. Mytrah Vayu (Krishna) Private Limited Vs APSPDCL & APPCC

Petition under Section 86 (1) (f) read with Section 86 (1) (e) of the Electricity Act, 2003, Regulation 8 of the APERC (Conduct of Business) Regulations, 1999 as amended from time to time read with Article 10 of the Power Purchase Agreement seeking direction to APSPDCL and APPCC for releasing payment against the outstanding invoices towards sale of wind energy along with the interest/delayed payment surcharge on such delayed payments as per the PPA

Sri Aditya K. Singh & Molshree, learned counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the respondents are present.

Call along with O.P.No.64 of 2019.

Call on: 07-12-2019  
at 11:00 AM

Sd/-  
MEMBER / PRM

Sd/-  
CHAIRMAN

Sd/-  
MEMBER / PR

O.P.No.56 of 2019  
M/s. Mytrah Vayu (Tungabhadra) Private Limited Vs APSPDCL & APPCC

Petition under Section 86 (1) (f) read with Section 86 (1) (e) of the Electricity Act, 2003, Regulation 8 of the APERC (Conduct of Business) Regulations, 1999 as amended from time to time read with Article 10 of the Power Purchase Agreement seeking direction to APSPDCL and APPCC for releasing payment against the

outstanding invoices towards sale of wind energy along with the interest/delayed payment surcharge on such delayed payments as per the PPA

Sri Aditya K. Singh & Molshree, learned counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the respondents are present.

Call along with O.P.No.64 of 2019.

Call on: 07-12-2019  
at 11:00 AM

Sd/-  
MEMBER / PRM

Sd/-  
CHAIRMAN

Sd/-  
MEMBER / PR

O.P.No.57 of 2019

M/s. Mytrah Vayu (Indravati) Private Limited Vs APSPDCL & APPCC

Petition under Section 86 (1) (f) read with Section 86 (1) (e) of the Electricity Act, 2003, Regulation 8 of the APERC (Conduct of Business) Regulations, 1999 as amended from time to time read with Article 10 of the Power Purchase Agreement seeking direction to APSPDCL and APPCC for releasing payment against the outstanding invoices towards sale of wind energy along with the interest/delayed payment surcharge on such delayed payments as per the PPA

Sri Aditya K. Singh & Molshree, learned counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the respondents are present.

Call along with O.P.No.64 of 2019.

Call on: 07-12-2019  
at 11:00 AM

Sd/-  
MEMBER / PRM

Sd/-  
CHAIRMAN

Sd/-  
MEMBER / PR

O.P.No.58 of 2019

M/s. Mytrah Vayu (Pennar) Private Limited Vs APSPDCL & APPCC

Petition under Section 86 (1) (f) read with Section 86 (1) (e) of the Electricity Act, 2003, Regulation 8 of the APERC (Conduct of Business) Regulations, 1999 as amended from time to time read with Article 10 of the Power Purchase Agreement seeking direction to APSPDCL and APPCC for releasing payment against the outstanding invoices towards sale of wind energy along with the interest/delayed payment surcharge on such delayed payments as per the PPA

Sri Aditya K. Singh & Molshree, learned counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the respondents are present.

Call along with O.P.No.64 of 2019.

Call on: 07-12-2019  
at 11:00 AM

Sd/-  
MEMBER / PRM

Sd/-  
CHAIRMAN

Sd/-  
MEMBER / PR

O.P.No.59 of 2019  
M/s. Azure Power Infrastructure Pvt Ltd Vs APSPDCL & APPCC

Petition under Section 86 (1) (f) read with Section 86 (1) (e) of the Electricity Act, 2003, Regulation 8 of the APERC (Conduct of Business) Regulations, 1999 as amended from time to time read with Article 10 of the Power Purchase Agreement seeking direction to APSPDCL and APPCC for releasing payment against the outstanding invoices towards sale of wind energy along with the interest/delayed payment surcharge on such delayed payments as per the PPA

M/s. Aniket Prasoon & Priya Dhankhar, learned counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the utilities are present.

Call along with O.P.No.64 of 2019.

Call on: 07-12-2019  
at 11:00 AM

Sd/-  
MEMBER / PRM

Sd/-  
CHAIRMAN

Sd/-  
MEMBER / PR

I.A.No.19 of 2019 in O.P.No.35 of 2019  
M/s. Vayu Urja Bharat Pvt. Ltd Vs APSPDCL

Application under Section 142 of the Electricity Act, 2003 read with Regulation 55 of the APERC (Conduct of Business) Regulations, 1999, as amended, seeking urgent directions against APSPDCL for the non-compliance of this Commission's order dated 31-08-2019 in O.P.No.35 of 2019

M/s. Aniket Prasoon & Priya Dhankhar, learned counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the respondents are present.

Call along with O.P.No.64 of 2019.

Call on: 07-12-2019  
at 11:00 AM

Sd/-  
MEMBER / PRM

Sd/-  
CHAIRMAN

Sd/-  
MEMBER / PR

O.P.No.60 of 2019  
M/s. Green Infra Wind Solutions Ltd Vs APPCC & APSPDCL

Petition under Section 86 (1) (f) of the Electricity Act, 2003 read with Power Purchase Agreement dt.18-02-2017 executed between the petitioner and respondent for recovery of outstanding amounts legally due to the petitioner

Sri Tushar Nagar, learned counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the respondents are present.

Call along with O.P.No.64 of 2019.

Call on: 07-12-2019  
at 11:00 AM

Sd/-  
MEMBER / PRM

Sd/-  
CHAIRMAN

Sd/-  
MEMBER / PR

O.P.No.61 of 2019 & I.A.No.20 of 2019  
M/s. SBG Cleantech Project Co Pvt. Ltd Vs APSLDC, APTRANSCO, APEPDCL, NTPC & MNRE

Petition u/s 33 (4) read with Sections 86 (1) (e), 86 (1) (f) and 86 (1) (k) of the Electricity Act, 2003 and Regulation 8 of the APERC (Conduct of Business) Regulations, 1999 as amended from time to time, inter-alia, seeking direction(s) to the respondents to implement the MUST RUN status accorded to the petitioner's Solar Project in letter and spirit, refrain from illegally curtailing the solar energy generated therefrom, and compensate the petitioner for the unlawful and arbitrary curtailment of generation from the petitioner's Solar Project

M/s. Sanjay Sen, Aniket Prasoon & Priya Dhankhar, learned counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the respondents are present.

None appeared for respondents 4 and 5 despite notice of service. Sri P. Shiva Rao, learned Standing Counsel for respondents 1 to 3 requested for a weeks' time for filing counter. Time has been accordingly granted till 16-11-2019.

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

Sd/-  
MEMBER / PRM

Sd/-  
CHAIRMAN

Sd/-  
MEMBER / PR

O.P.No.63 of 2019  
M/s. Jindal Aluminium Ltd Vs APSPDCL & 2 others

Petition under Section 86 (1) (f) of the Electricity Act 2003 R/w APERC Conduct of Business Regulation 1999 for direction to make payment amounts against the monthly bills for the period from 01-08-2018 to 31-07-2019 and the amounts deducted towards rebate from monthly power bills for the period May, 2018 to June, 2018 along with interest in terms of PPA dated 14-08-2015

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

Call along with O.P.No.64 of 2019.

Call on: 07-12-2019  
at 11:00 AM

Sd/-  
MEMBER / PRM

Sd/-  
CHAIRMAN

Sd/-  
MEMBER / PR