

**Record of proceedings dated 02-12-2020**

**O.P.No.32 of 2020**

APEPDCL Vs GoAP, APSPDCL & APCPDCL

In the matter of petition filed by APEPDCL, for approval of the Commission for additional subsidy requirement for additional units of supply to agriculture over and above the Tariff Order approved quantity due to extension of supply to agriculture from 7 Hrs. to 9 Hrs. a day from April -19 to March -2020 as per the directions of the Govt of AP Vide G.O.Ms.No.17 dt 15.02.2019 during the day time in 2 spells under present NAVARATNALU programme of Govt. of A.P. in the jurisdiction of Eastern Power Distribution Company of Andhra Pradesh Limited in the state of Andhra Pradesh during FY 2019-20.

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

The record shows that notice has been served on the 1st respondent / GoAP by hand. Unfortunately, the 1st respondent has not entered appearance. Sri P. Shiva Rao, learned Standing Counsel for the petitioner requested for an adjournment to sensitize the 1st respondent on the need for responding to the notice of the Commission. Accepting his request, the O.P. is adjourned finally. Call on 27-01-2021.

Sd/-  
MEMBER / TRS

Sd/-  
CHAIRMAN

Sd/-  
MEMBER / PRR

**O.P.No.33 of 2020**

APEPDCL Vs ---

Petition seeking amendments to the Regulation No.4 of 2005 (Terms & Conditions for determination of Tariffs for Wheeling & Retail Sale of Electricity), in pursuant to Clause 8 (1) of Regulation No. 2 of 1999 for the specification of Fuel & Power Purchase Cost Adjustment Formula (FPPCA) for pass-through of power purchase cost variation on a quarterly basis instead of Annually.

**O.P No.35 of 2020**

APSPDCL Vs ---

APSPDCL filed a petition seeking a suitable amendment to clause 12.5 of Regulation No.1 of 2014, in pursuant to clause 8 (1) of Regulation No. 2 of 1999 for the specification of Fuel & Power Purchase Cost Adjustment Formula (FPPCA) for pass-through of Power Purchase Cost variation on a quarterly basis instead of an annual basis.

Sri P. Shiva Rao, learned Standing Counsel for the petitioners and Sri M. Venugopala Rao, learned objector are present at the web hearing.

Sri M. Venugopala Rao submitted his objections in both the O.Ps. Sri P. Shiva Rao requested for time for filing the petitioners' responses to the objections. Call on 27-01-2021.

Sd/-  
MEMBER / TRS

Sd/-  
CHAIRMAN

Sd/-  
MEMBER / PRR

**O.P.No.34 of 2020**

APSPDCL Vs ---

Petition filed by APSPDCL seeking Determination of the True-up for distribution business, for 3rd control period (FY 2014-15 to FY 2018-19) under Clause 19, Pg 11 of the Andhra Pradesh Electricity Regulatory Commission (Terms and Conditions for Determination of Tariff for Wheeling and Retail Sale of Electricity) Regulation No. 4 of 2005

Sri P. Shiva Rao, learned Standing Counsel for the petitioner and Sri M. Venugopala Rao, learned objector are present at the web hearing.

Sri M. Venugopala Rao submitted his objections. Sri P. Shiva Rao requested for time for filing the petitioner's response to the objections. Call on 27-01-2021.

Sd/-  
MEMBER / TRS

Sd/-  
CHAIRMAN

Sd/-  
MEMBER / PRR

**O.P.No.1 of 2020**

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

**O.P.No.14 of 2020**

M/s. Vish Wind Infrastructure LLP Vs APTRANSCO & 2 others

**O.P.No.15 of 2020**

M/s. Vish Wind Infrastructure LLP Vs APTRANSCO & 2 others

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 Agreements dated 29-05-2010 and for a direction against the Respondents for the payments of the outstanding amounts

Sri Vishal Gupta, learned counsel for the petitioners and Sri P. Shiva Rao, learned Standing Counsel for the respondents are present at the web hearing.

Sri Vishal Gupta, learned counsel for the petitioners submitted that the respondents have cleared the arrears upto May, 2020 and that as agreed earlier, his clients are waiving the Late Payment Surcharge upto that period. Learned counsel further submitted that if the respondents clear off arrears from June, 2020 upto November, 2020 by the end of December, 2020, the petitioners are prepared to waive Late Payment Surcharges even for the said period. Sri P. Shiva Rao submitted that the respondents will file an affidavit on making payment for the said period within two weeks. Call on 30-12-2020.

Sd/-  
MEMBER / TRS

Sd/-  
CHAIRMAN

Sd/-  
MEMBER / PRR

**I.A.Nos.24 & 25 of 2019 in O.P.No.62 of 2019**  
M/s. WANEER Solar Pvt Ltd Vs. GoAP, APSPDCL & 4 others

Petition under Section 86(1) (e) & (f) of the Electricity Act, 2003 read with Regulations 55 and 57 of the Principal Regulation Andhra Pradesh Electricity Regulatory Commission (Conduct of Business) Regulations, 1999 to declare revised Scheduled Commercial Operation Date (SCOD) of the 25 MW solar power project as 29.09.2016 due to Force Majeure Events as envisaged in the PPA and consequently direct the respondents to refund the amounts adjusted towards penalty amounting to Rs.18,74,70,000/- (Rupees Eighteen Crores Seventy Four Lakh Seventy Thousand only) and adjusted bank guarantees invoked amounting to Rs.6.36 Cr

I.A.No.24 of 2019 - to permit the petitioner to raise additional grounds and also amend the prayer by adding prayer (d) to the prayer already made in O.P.No.62 of 2019

I.A. No. 25 of 2019 - to direct the 4th Respondent not to recover the Liquidated damages and GST for balance 1 (One) day amounting to Rs.20,83,000/- and Rs.3,41,19,450/- respectively, in pursuance of Lr.

No.CGM/IPC/GM/IPC/EE-II/F.Waneer(G)/D.No.422/19 dated 18-09-2019 issued by 3rd Respondent, pending disposal of the O.P.No. 62 of 2019

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

Heard. Orders reserved.

Sd/-  
MEMBER / TRS

Sd/-  
CHAIRMAN

Sd/-  
MEMBER / PRR

**O.P.No.64 of 2019**

M/s. Indian Oil Corporation Limited Vs APEPDCL & 2 others

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 at the web hearing.

Sri Challa Gunaranjan, learned counsel for the petitioner submitted that the respondents have cleared the arrears upto June, 2020 at the interim rate of Rs.2.43 ps. Sri P. Shiva Rao, learned Standing Counsel for the respondents fairly submitted that the respondents will pay the balance differential tariff in respect of two Power Purchase Agreements under which tariff of Rs.3.50 ps is payable with all arrears upto July, 2020 within one week. In view of this submission, call on 27-01-2021 for reporting compliance.

Sd/-  
MEMBER / TRS

Sd/-  
CHAIRMAN

Sd/-  
MEMBER / PRR

**O.P.No.29 of 2020 & I.A.No.20 of 2020**

M/s. Vaayu (INDIA) Power Corporation Limited

Petition under the Sections 86(1)(a), 86(1)(b) and 86(1)(e) of the Electricity Act, 2003, for approval of the generic tariff at Rs.3.43/- per unit for sale of wind power by the Petitioner to DISCOM for all the Seven PPAs, after expiry of the 10 year period in terms of the Order dated 01.05.2009 passed by this Hon'ble Commission in O.P Nos.6 and 7 of 2009

Application seeking directions that the generic tariff of Rs.3.43/- per unit may be made available to the applicant / petitioner during the pendency of the petition.

Sri Vishal Gupta, learned counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the AP Discoms are present at the web hearing.

Sri P. Shiva Rao requested for further time for filing response. Call on 27-01-2021.

Sd/-  
MEMBER / TRS

Sd/-  
CHAIRMAN

Sd/-  
MEMBER / PRR