

Record of Proceedings Dated 03-01-2024

OP No. 83 of 2023

M/s.Eaama Estates Private Limited Vs. APEPDCL & APPCC

(Petition under Section 86(1)(f) of the Electricity Act, 2003, R/w APERC (Conduct of Business) Regulations, 1999 seeking a direction to the respondents for releasing payment against the outstanding monthly invoices towards sale of energy along with the delayed payment surcharge on such delayed payments and interest on delayed payment as per Articles 2.2 and 5.2 of the Power Purchase Agreement dated 04.12.2014).

Sri Deepak Chowdary, learned Counsel for the Petitioner; and Sri G.V.Brahmananda Rao, counsel representing Sri P.Shiva Rao, learned Standing Counsel for the respondents, are present at the hearing.

Sri G.V.Brahmananda Rao requested time for filing counter. Four weeks' time is, accordingly, granted.

Call on 07-2-2024.

Sd/-
MEMBER/PVRR

Sd/-
CHAIRMAN

Sd/-
MEMBER/TRS

OP No. 66 of 2023

M/s. Natems Solar Power Private Limited Vs. APSPDCL, APSLDC

(Petition filed under Section 86(1)(f) of the Electricity Act, 2003 for adjudication of the disputes arising from the arbitrary, unfair, and illegal actions of the Respondents, inter alia, in - (a) coercing the Petitioner into submitting the Impugned Undertakings dated 31.08.2020, 31.05.2021 and 28.12.2021 and thereby depriving the Petitioner of its statutory right to receive compensation for over-injection; (b) seeking payment of UI Charges for under-injection by way of the Impugned Memos and the Impugned Bill instead of providing a net-off of over and under-injection charges; (c) wrongfully levying extra 5% deviation charges for under-injection for the period from 01.01,2021 to 30.09.2021 and 01.11.2021 to 30.04.2022 in contravention of the 2017 RE Deviation Regulations; and (d) threatening disconnection of the Petitioner's Solar Project by way of the Impugned Bill, the same being in blatant contravention of the APERC (Terms and Conditions of Open Access) Regulation, 2005 and APERC Forecasting, Scheduling and Deviation Settlement of Solar and Wind Generation Regulation, 2017 and resulting in undue financial hardship to the Petitioner)

Sri Deepak Chowdary, learned counsel for the Petitioner; and Sri G.V.Brahmananda Rao, counsel representing Sri P.Shiva Rao, learned Standing Counsel for the respondents, are present at the hearing.

Two more weeks' time for filing counter is prayed for by Sri G.V.Brahmananda Rao. Time is, accordingly, granted finally.

Call on 07-2-2024.

Sd/-
MEMBER/PVRR

Sd/-
CHAIRMAN

Sd/-
MEMBER/TRS

OP No. 67 of 2023

M/s. NSL Textiles Limited Vs. APCPDCL and others

(Petition filed under Section 142 of the Electricity Act, 2003 r/w Regulation 55 of the APERC (Conduct of Business) Regulations, 1999 for non-compliance and violation of Clause 3.2.2.1 of the General Terms and Conditions of Supply of Distribution and Retail Supply Licensees in Andhra Pradesh).

Sri Nishant Pinnamaneni, counsel representing Sri Challa Gunaranjan, learned Counsel for the Petitioner; and Sri G.V.Brahmananda Rao, counsel representing Sri P.Shiva Rao, learned Standing Counsel for the respondents, are present at the hearing.

An application for dispensing with the presence of the present CMD, incharge of APCPDCL, has been filed. As we are satisfied that he has justifiable reasons for not being able to attend today's hearing, his presence is dispensed with for the time being.

On behalf of the DISCOM, Sri A.Ram Das, CGM, R&F; Sri D.Subba Rao, CGM, Operations; and Sri A.Murali Krishna Yadav, SE/Operations/Guntur, are personally present.

During the hearing, Sri A.Ram Das, CGM, submitted that since the month of February, 2022 the DISCOM has stopped levying Low Voltage Surcharge on the petitioner in realisation of the fact that the same is contrary to the Commission's Tariff Orders as well as the General Terms and Conditions of Supply of the DISCOM. He, however, submitted that a Note was circulated to the Board of Directors seeking a direction as to whether the demand relating to past arrears of Low Voltage Surcharge on the CC bills of the petitioner for the period from December, 2019 to January, 2022 be withdrawn or not; and that so far no decision has been taken.

The very fact that the respondents have stopped levying Low Voltage Surcharge from the month of February, 2022 itself shows that the respondents are aware of the illegal nature of levy of Low Voltage Surcharge. It is unfortunate that the respondents have failed to withdraw the demand relating to past arrears, which is obviously hanging on the petitioner's head as a Damocles Sword. When the above-mentioned Officers were confronted with the unjustifiable nature of the DISCOM's action, they requested two week's time for taking corrective steps and report to the Commission. Accordingly, two weeks' time for the said purpose is granted.

Call on 14-2-2024. On which date, all the above-mentioned Officers, apart from the CMD of the APCPDCL, shall be personally present and report on the further action taken.

Sd/-
MEMBER/PVRR

Sd/-
CHAIRMAN

Sd/-
MEMBER/TRS

OP No. 68 of 2023

Vibrant Greentech India Private Limited., Vs. APSPDCL

(Petition under Section 86(1)(f) of the Electricity Act, 2003, r/w. The APERC (Conduct of Business) Regulations, 1999 seeking a direction to the Respondent for releasing payment against the outstanding monthly invoices towards sale of wind energy along with interest on such delayed payments as per Articles 2.2, 5.1 & 5.2 and a consequential direction to issue a Letter of Credit as per Article 5.3 and 5.4 of the Power Purchase Agreement ("PPA") dated 18.06.2011 and Amendment PPA dated 07.02.2017).

Sri Deepak Chowdary, learned counsel for the Petitioner; Sri G.V.Brahmananda Rao, counsel representing Sri P.Shiva Rao, learned Standing Counsel for the respondent; Sri V.Sivaji, Accounts Officer, APPCC, and Sri Ch.Ramanjaneyulu, AAO, APPCC, are present at the hearing.

Sri G.V.Brahmananda Rao submitted that so far the respondent has paid Rs.1.40 crores towards the arrears payable under the bills from June, 2022 to May, 2023; and that a further sum of Rs.34.00 lakhs is payable towards the principal amount.

Sri V.Sivaji, Accounts Officer, APPCC, submitted that the balance amount of Rs.34.00 lakhs will be paid within 15 days from today.

Once the principal amount is paid, the only other issue remains is payment of LPS, which will be decided after the respondent files its counter, for which four weeks' time is granted.

Call on 14-2-2024.

Sd/-
MEMBER/PVRR

Sd/-
CHAIRMAN

Sd/-
MEMBER/TRS

OP No. 69 of 2023

M/s. Vibrant Greentech India Private Limited., Vs. APSPDCL and others

(Petition filed under Section 142 of the Electricity Act, 2003 r/w. Regulation 55 of the APERC (Conduct of Business) Regulations, 1999 for violating and disobeying the orders dated 05.07.2021 in O.P. No. 09 of 2020 passed by this Hon'ble Commission)

Sri Deepak Chowdary, learned counsel for the Petitioner; Sri G.V.Brahmananda Rao, counsel representing Sri P.Shiva Rao, learned Standing Counsel for the respondents; Sri V.Sivaji, AO, APPCC and Sri Ch.Ramanjaneyulu, AAO, APPCC, are present at the hearing.

Sri G.V.Brahmananda Rao submitted that out of Rs.6.48 crores of arrears, Rs.3.00 crores have been paid on 28-11-2023; and that the balance amount of Rs.3.48 crores will be, positively, paid within one month from today.

This undertaking of the learned counsel is recorded and the case is adjourned to 14-2-2024. If payment, as undertaken, is not made, the CMD of the APSPDCL shall be personally present on that date.

Sd/-
MEMBER/PVRR

Sd/-
CHAIRMAN

Sd/-
MEMBER/TRS