

Record of proceedings dated 04-11-2020

O.P.No.41 of 2020

APEPDCL Vs --

Public hearing in the matter of Petition filed for determination of the True-up for distribution Business for 3rd control period (FY 2014-15 to FY 2018-19) under Clause 19, Pg 14 of the APERC (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 APEPDCL and Sri M. Venugopala Rao, learned objector are present at the web hearing.

Sri M. Venugopala Rao filed his objections. Sri P. Shiva Rao, learned Standing Counsel for APEPDCL requested for time for filing response. Call on 06-01-2021.

Sd/-
MEMBER / TRS

Sd/-
CHAIRMAN

Sd/-
MEMBER / PRR

O.P.No.42 of 2020

APTRANSCO Vs --

Public hearing in the matter of Petition filed for Determination of Tariff for Intra-State Transmission lines of APTRANSCO carrying interstate power for the FY2015-16 & FY 2016-17 to include the same in the PoC Mechanism

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

So far no objections have been received from any quarter. The Commission would like to give one more opportunity to the stakeholders for filing objections, if any. Call on 06-01-2021.

Sd/-
MEMBER / TRS

Sd/-
CHAIRMAN

Sd/-
MEMBER / PRR

R.P.No.2 of 2020 in O.P.Nos.68 & 69 of 2019
APSPDCL & APEPDCL Vs --
Public hearing in the matter of Review Petition on the Order dt.10-02-2020 in
O.P.Nos. 68 & 69 of 2019 in respect of the Retail Supply Tariff Order for FY
2020-21

Sri P. Shiva Rao, learned Standing counsel for the utilities, Sri Shri Venkatesh, learned counsel, Sri M. Venugopala Rao, learned objector and Sri V. Sailendra representing Indian Wind Power Association are present at the web hearing.

Sri M. Venugopala Rao has filed his objections. Sri Shri Venkatesh, learned counsel submitted that they have instructions to file objections on behalf of three renewable energy companies. Sri V. Sailendra representing Indian Wind Power Association submitted that he would also like to file his comments. Three weeks time is granted for the interested persons / stakeholders to file their objections / comments. Rejoinder may be filed by the review applicants within two weeks thereafter. Call on 20-01-2021.

Sd/-
MEMBER / TRS

Sd/-
CHAIRMAN

Sd/-
MEMBER / PRR

I.A.No.21 to 33 2020 in O.P.Nos.21 to 27 of 2017; 35 of 2017; 1 & 7 of 2018;
20 to 22 of 2018

M/s.Orange Urvakonda Wind Power Pvt. Ltd Vs. APSPDCL & 2 others and Batch

Applications (13 Nos) filed by APDISCOMs seeking review of the Commission's
order dated 14-06-2018 in OP Nos. 21 to 27 of 2017; 35 of 2017; 1 & 7 of 2018 and
order dated 06-10-2018 in OP Nos.20 to 22 of 2018

Sri P. Shiva Rao, learned Standing Counsel for the utilities and Sri. Deek Choudary representing Sri Challa Gunaranjan, learned counsel for (i) M/s.Orange Urvakonda Wind Power Pvt. Ltd (ii) M/s.Orange Urvakonda Wind Power Pvt. Ltd (iii) M/s. Mytrah Vayu (Pennar) Pvt. Ltd (iv) M/s. Mytrah Vayu (Krishna) Pvt. Ltd. (v) M/s. Mytrah Vayu (Indravathi) Pvt. Ltd. & (vi) M/s. Jindal Aluminium Ltd., Sri Avijeet Lala, and Ms.

Shreya Mukherjee, learned counsel for (i) M/s. Khandke Wind Power Pvt. Ltd. & (ii) M/s. Tada Wind Energy (P) Ltd., Sri Shri Venkatesh, Sri Vikas Maini & Sri. Suhael Buttan learned counsel for (i) M/s. Tata Power Renewable Energy Ltd. & (ii) Welspun Renewable Energy Ltd., and Ms. Mazag Andrabi and Ms. Shubhi Sharma, learned counsel for (i) M/s. KCT Renewable Energy (ii) M/s. Ostro Anantapur Pvt Ltd & (iii) M/s. KCT Renewable Energy Pvt. Ltd. are present at the web hearing.

Sri Shri Venkatesh submitted that he has instructions to appear for certain respondents in the I.As. He and some others stated that they have not received copies of I.As and that on receipt of the I.As., they would like to file counters. Sri P. Shiva Rao, learned Standing Counsel agreed to furnish copies of I.As., to the learned counsel who have not received copies. The respondents shall file counters within four weeks. Within two weeks thereafter, the applicants may file their rejoinders, if any. Call on 06-01-2021.

Sd/-
MEMBER / TRS

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CHAIRMAN

Sd/-
MEMBER / PRR

O.P.No.36 of 2020 & I.A.No.35 of 2020
M/s. Dalma Cement (Barat) Ltd Vs. APTRANSCO, APSPDCL & APEPDCL

Petition under Section 86 (1) (e) of the Electricity Act, 2003 r/w Clauses 9 & 10 of the APERC (Compliance by Purchase of Renewable Energy / Renewable Energy Certificates) Regulations, 2017 and Clause 57 of the APERC (Conduct of Business) Regulations, 1999 seeking exercise of power to issue directions to remove difficulty in implementation of the RPPO Regulations.

Application for interim relief u/s 86 (1) (e) of the Electricity Act, 2003 r/w Clause 55 of the APERC (Conduct of Business) Regulations, 1999 seeking protection from any coercive steps taken by the respondent against the petitioner during the pendency of present proceedings

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

Sri P. Shiva Rao, learned Standing Counsel for the respondents submitted that he has filed counter affidavit yesterday. Learned counsel for the petitioner requested for time for filing rejoinder. Call on 20-01-2021.

Sd/-
MEMBER / TRS

Sd/-
CHAIRMAN

Sd/-
MEMBER / PRR

O.P.No.43 of 2019 & I.A.No.17 of 2019
M/s. ITC Limited Vs APSPDCL & 3 others

Petition under Section 86(1)(b) and 86(1)(f) of the Electricity Act, 2003 read with Regulation 55 of the APERC (Conduct of Business) Regulations, 1999 for directions to be issued to the Respondents in relation to making payment for the energy injected into the grid owing to unlawful denial of open access in compliance with the order dated 13.06.2016 passed by the Central Electricity Regulatory Commission

Interlocutory application filed by APSLDC (R-4) under Clause 55 of APERC (Conduct of Business) Regulations to reject the O.P.No.43 of 2019 on the ground that it is barred by law of limitation of 3 years

Sri Jeevan Kumar, learned counsel representing Sri P. Vikram, learned counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the public utilities are present at the web hearing.

At the request of the learned counsel representing Sri P. Vikram, call on 06-01-2021 for hearing.

Sd/-
MEMBER / TRS

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CHAIRMAN

Sd/-
MEMBER / PRR

O.P.No.6 of 2020
M/s. Spectrum Power Generation Ltd Vs APSPDCL, APEPDCL & APTRANSCO

Petition under Section 86 (1)(f) of the Electricity Act, 2003 read with Clause (55) of APERC (Conduct of Business) Regulations seeking recovery of rebate (2.5%) deducted by DISCOMs in payment of monthly energy bills

Sri. B. Lokeswar Reddy and Sri. M. Naga Deepak, learned counsel representing Sri S. Ravi, learned senior counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the respondents are present at the web hearing.

At the request of the learned counsel for both parties, call on 06-01-2021.

Sd/-
MEMBER / TRS

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CHAIRMAN

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MEMBER / PRR

O.P.No.73 of 2019, I.A.No.12 of 2020 & I.A.No.44 of 2020
M/s. Aditya Birla Renewable SPV 1 Ltd Vs. APSPDCL & APTRANSCO

Petition filed under Section 86 (1) (f) of the Electricity Act, 2003 and other applicable provisions of the Electricity Act, 2003 read with APERC (Terms and Conditions of Open Access) Regulations, 2005, against Respondent No.1 for claiming wheeling charges and losses from the petitioner for alleged use of distribution system, when no distribution system of Respondent No.1 is been utilized for transmitting electricity from 20 MW captive solar project of the Petitioner

Application filed for interim relief

Application filed by the petitioner for Amendment of petition on behalf of the applicant / petitioner in O.P.No.73 of 2019

Sri. Sakya Singha Chaudhuri and Gayatri Aryan, learned counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the respondents are present at the web hearing.

I.A.No.44 of 2020: This application is filed for the following reliefs:

4. That consequently the following may kindly be permitted to be added as prayer (iii) and (iv) in the petition as:

“(iii) Declare that the condition II in the revised connectivity approval dated 17.06.2020 issued by Respondent no.2 to the Petitioner being Annexure No.P/20, for transfer of ownership of the dedicated transmission line

constructed and owned by the Petitioner from the Project to the Sambepalli substation of Respondent no.2, is bad in law;

(iv) Strike down and / or set aside condition II in the revised connectivity approval dated 17.06.2020 issued by Respondent no.2 to the Petitioner being Annexure No.P/20, for transfer of ownership of the dedicated transmission line constructed and owned by the Petitioner from the Project to the Sambepalli substation of Respondent no.2;

(v) Direct Respondent no.2 to grant revised approval for connectivity of Petitioner's project to the Sambepalli substation of Respondent no.2 without imposition of condition of transfer of ownership of the dedicated transmission line constructed by the Petitioner company connecting the Project to the substation of Respondent no.2;"

Sri P. Shiva Rao, learned Standing Counsel while submitting that on merits, the respondents have strong objection, they, however, do not propose to oppose the present application for amending the prayers as indicated in para 4 of the I.A. In the light of the above, the application is ordered. The petitioner shall file amended O.P., incorporating the amendments proposed in the I.A., within four weeks. The respondents are permitted to file an additional counter to the additional averments and the prayer made in the I.A. During the hearing, Sakya Singha Chaudhuri, learned counsel for the petitioner pointed out that an inadvertent typographical error has occurred in the description of the name of the petitioner in the cause tile of the O.P. as well as I.A.No.44 of 2020. Sri P. Shiva Rao submitted that he has no objection for correcting the said mistake. While filing the amended O.P. the petitioner

is permitted to correct the description of the petitioner as noted above. Call on 20-01-2021.

Sd/-
MEMBER / TRS

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CHAIRMAN

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MEMBER / PRR

O.P.No.57 of 2014 & I.A.No.8 of 2015
Sardar Power Pvt Ltd Vs APEPDCL

Petition filed for determination of capital cost and consequent re-determination of tariff for the first 10 years of operation with effect from 17-07-2008 (being COD of the project) pursuant to the Judgment of Hon'ble ATE dt.20-12-2012 in Appeal No.172 of 2011 and batch

Sri K. Gopal Choudary, learned counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the respondent are present at the web hearing. The office has submitted its report. Sri K. Gopal Choudary requested for an adjournment for making his submissions. Call on 25-11-2020 for hearing.

Sd/-
MEMBER / TRS

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CHAIRMAN

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MEMBER / PRR

O.P.No.31 of 2020
APPDCL Vs. APSPDCL & APEPDCL

Petition u/s 86 (1) (f) r/w Section 62 for resolving the issues in the matter of operational parameters and variable cost for sub-critical and super-critical operation for procurement of power from 2 x 800 MW Sri Damodaram Sanjeevaiah Thermal Power Station (SDSTPS)

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

Counter affidavit is filed by the respondents. Sri K. Gopal Choudary, learned counsel for the petitioner requested for time for filing rejoinder. Call on 16-12-2020.

Sd/-
MEMBER / TRS

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CHAIRMAN

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MEMBER / PRR