

**Record of proceedings dated 05-03-2020**

R.P.No.1 of 2019 in O.P.No.30 of 2018  
M/s.Tirumala Cotton & Agro Products Limited and M/s. Ravali Spinners Pvt Ltd Vs  
APTRANSCO, APSPDCL & APEPDCL

Petition under Regulation 49 of the APERC (Conduct of Business) Regulations, 1999  
r/w Section 94 (f) of the Electricity Act, 2003 seeking review of the order dated  
08-03-2019 passed by the Commission in O.P.No.30 of 2018 with respect to the  
Transmission Tariff of Wind Generators / Users for Captive purpose for FY 2019-20  
to 2023-24

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

Heard in part. At the request of Sri Challa Gunaranjan, learned counsel for the  
petitioner, call on 07-04-2020.

Sd/-  
MEMBER / TRS

Sd/-  
CHAIRMAN

Sd/-  
MEMBER / PRR

R.P.No.3 of 2019 in O.P.Nos.28 & 29 of 2018  
M/s. Tirumala Cotton & Agro Products Limited and M/s. Ravali Spinners Pvt Ltd Vs  
APSPDCL & APEPDCL

Petition under Regulation 49 of the APERC (Conduct of Business) Regulations, 1999  
r/w Section 94 (f) of the Electricity Act, 2003 seeking review of the order dated  
15-04-2019 passed by the Commission in O.P.No.28 & 29 of 2018 with respect to  
the Wheeling Tariff of Wind Generators / Users for Captive purpose for FY 2019-20  
to 2023-24

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

Call along with R.P.No.1 of 2019 in O.P.No.30 of 2018 on 07-04-2020.

Sd/-  
MEMBER / TRS

Sd/-  
CHAIRMAN

Sd/-  
MEMBER / PRR

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

We have heard the learned counsel for the parties. As Counter Affidavit is ambiguous on the stand of the respondents as to whether they require power from the proposed unit of the petitioner or not, the case is adjourned to enable the respondents to file an additional Counter Affidavit on the said aspect. Call on 07-04-2020.

Sd/-  
MEMBER / TRS

Sd/-  
CHAIRMAN

Sd/-  
MEMBER / PRR

I.A.No.9 of 2019 in O.P.No.2 of 2015  
Andhra Pradesh Ferro Alloys Producers Association; M/s. Abhijeet Ferrotech Ltd &  
M/s.Andhra Ferro Alloys Ltd Vs CMD / APEPDCL & Principal Secretary,  
Government of AP Energy, Infrastructure & Investment (Power) Department

Petition filed under Sections 62 read with 86 of the Electricity Act, 2003 for revisiting of the conditions stipulated in the Retail Supply Tariff Order for FY 2015-16 the category of HT-1(b) consumers

I.A.No.10 of 2019 in O.P.No.12 of 2015  
Andhra Pradesh Ferro Alloys Producers Association & M/s. Sai Laxmi Tulasi Ferros  
Pvt. Ltd Vs APSPDCL & Principal Secretary,  
Government of AP Energy, Infrastructure & Investment (Power) Department

Petition filed under Sections 62 read with 86 of the Electricity Act, 2003 for revisiting of the conditions stipulated in the Retail Supply Tariff Order for FY 2015-16 the category of HT-1(b) consumers

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

Rejoinder is filed. At the request of the learned counsel for both parties, call on 07-04-2020 for hearing.

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 4<sup>th</sup> 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 respondents are present.

Rejoinder is filed. At the request of the learned counsel for both parties, call on 23-06-2020 for hearing.

Sd/-  
MEMBER / TRS

Sd/-  
CHAIRMAN

Sd/-  
MEMBER / PRR

O.P.No.30 of 2019  
M/s. Sree Rayalaseema Green Energy Ltd Vs CMD / APSPDCL & SE / Operation Circle / APSPDCL / Kurnool

Petition under Section 86 (1) (f) of the Electricity Act, 2003 claiming interest for late payment of energy bills by the Distribution Licensee, as per Article 7 sub-section 7.3 of the Power Purchase & Wheeling Agreement

Sri B. Santosh Kumar, Liaison Officer of the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the utilities are present.

O.P. is dismissed vide separate order.

Sd/-  
MEMBER / TRS

Sd/-  
CHAIRMAN

Sd/-  
MEMBER / PRR

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 is filed for interim directions pending the main petition

Sri P. Sri Raghu Ram, learned Senior Counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the respondents are present. Rejoinder has been filed.

Heard Sri P. Sri Raghu Ram, learned Senior Counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the respondents.

Sri P. Shiva Rao, learned Standing Counsel submitted that ICT-3 has already been repaired by the Toshiba Company and that the same is being shifted from its premises to the Uravakonda substation. He assured that ICT-3 will be installed and charged for the purpose of evacuation of power within fifteen (15) days from today. This submission is placed on record.

As regards ICT-4, Sri P. Sri Raghu Ram, learned Senior Counsel proposed to make his submissions on the next date of hearing. Call on 31-03-2020.

Sd/-  
MEMBER / TRS

Sd/-  
CHAIRMAN

Sd/-  
MEMBER / PRR

O.P. No.73 of 2019  
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

Ms. Madhuri Kuchadi & Sri Nethan Reddy, learned counsel for the petitioner, Sri P. Shiva Rao, learned Standing Counsel for the utilities are present.

Sri P. Shiva Rao, learned Standing Counsel for the utilities requested for time for filing Counter Affidavit. Call on 31-03-2020.

Sd/-  
MEMBER / TRS

Sd/-  
CHAIRMAN

Sd/-  
MEMBER / PRR

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

Sri P. Sri Raghu Ram, learned Senior Counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the respondent are present.

The petitioner has filed additional documents numbering 53 pages. The office shall assign continuous pagination to these documents.

Sri P. Sri Raghu Ram, learned Senior Counsel lamented that as on today arrears to a tune of Rs.98.4 crores are payable to the petitioner. Sri P. Shiva Rao, learned Standing Counsel submitted that as on today, the respondent has paid Rs.46.17 crores and the respondent is in a poor financial state. He however submitted that the respondent may be permitted to pay Rs.16.5 crores within one month.

Having regard to the facts and circumstances of the case, the respondent is directed to pay Rs.22 crores (Rupees twenty two crores only) within one (1) month from today, failing which the Chairman & Managing Director of the respondent shall be personally present on the next date of hearing. Call on 21-04-2020.

Sd/-  
MEMBER / TRS

Sd/-  
CHAIRMAN

Sd/-  
MEMBER / PRR