

Record of proceedings dated 05-10-2019

O.P.No.50 of 2019
APSPDCL and APEPDCL Vs --NIL--

Petition filed by APDISCOMs for determination of true-up for Retail Supply Business for FY 2014-15 in accordance with the APERC (Terms & Conditions for determination of tariff for Wheeling and Retail Sale of Electricity) Regulation No. 4 of 2005 and amendments issued from time to time

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

Response of the AP Discoms to the objections of Sri M. Venugopala Rao is filed.

For hearing, the matter is posted to 16-11-2019.

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

Sd/-
MEMBER / PRM

Sd/-
MEMBER/PR

Sd/-
CHAIRMAN

I.A.No.14 of 2019 in O.P. Nos. 1 & 2 of 2016
APSPDCL and APEPDCL Vs --NIL--

Petition filed by APDISCOMs for determination of true-up for Retail Supply Business for FY 2016-17 in accordance with the APERC (Terms & Conditions for determination of tariff for Wheeling and Retail Sale of Electricity) Regulation No. 4 of 2005 and amendments issued from time to time

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

Response of the AP Discoms to the objections of Sri M. Venugopala Rao is filed.

For hearing, the matter is posted to 16-11-2019.

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

Sd/-
MEMBER / PRM

Sd/-
MEMBER/PR

Sd/-
CHAIRMAN

I.A.No.15 of 2019 in O.P. Nos. 28 & 29 of 2016
APSPDCL and APEPDCL Vs --NIL--

Petition filed by APDISCOMs for determination of true-up for Retail Supply Business for FY 2017-18 in accordance with the APERC (Terms & Conditions for determination of tariff for Wheeling and Retail Sale of Electricity) Regulation No. 4 of 2005 and amendments issued from time to time

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

Response of the AP Discoms to the objections of Sri M. Venugopala Rao is filed.

For hearing, the matter is posted to 16-11-2019.

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

Sd/-
MEMBER / PRM

Sd/-
MEMBER/PR

Sd/-
CHAIRMAN

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 Apoorva Misra & Sri Aditya Singh, learned counsel for (i) M/s. Mytrah
Vaayu (Indravathi) Private Limited (ii) M/s. Mytrah Vayu (Tungabadra) Private
Limited & (iii) M/s. Mytrah Vayu (Krishna) Private 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. Ostro Anantapur Wind Private Limited (iv) M/s.
Vayuputhra Energy Private Limited (v) M/s. Kanhur Wind Power Private Limited (vi)

M/s. Animala Wind Power Private Limited (vii) M/s. JED Solar Parks Private Limited & (viii) M/s. Poly Solar Parks Private Limited; Sri Srinivas Mantha, learned counsel for (i) M/s. Orange Uravakonda Wind Power Private Limited (ii) M/s. Axis Wind Energy (MPR Dam) & (iii) M/s. Orange Anantapur Wind Power Private Limited; Sri V. Sailendra representing (i) M/s. Mangalam Fashions Limited (ii) M/s. RBA Properties Limited (iii) M/s. Woodside Fashions Limited (iv) M/s. HC Commercial Limited (v) M/s. RSM Estates Limited & (vi) M/s. Daulat Financial Services Private Limited; Sri K. Syamala Rao, Deputy Manager representing (i) M/s. Eenadu Television Private Limited & (ii) M/s. Ushodaya Enterprises Private Limited; Sri Tushar Nagar, learned counsel for M/s. Green Infra Wind Solutions Limited; Sri Avijeet Lala and Sri Nethan Reddy, learned counsel for M/s. Vayu Urja Bharat Private Limited; Sri. Sri Venkatesh and Sri Suhael Buttan, learned counsel for M/s. Tata Power Renewable Energy Limited are present.

Heard 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 Apoorva Misra & Sri Aditya Singh, learned counsel for (i) M/s. Mytrah Vaayu (Indravathi) Private Limited (ii) M/s. Mytrah Vayu (Tungabadra) Private Limited & (iii) M/s. Mytrah Vayu (Krishna) Private 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. Ostro Anantapur Wind Private Limited (iv) M/s. Vayuputhra Energy Private Limited (v) M/s. Kanhur

Wind Power Private Limited (vi) M/s. Animala Wind Power Private Limited (vii) M/s. JED Solar Parks Private Limited & (viii) M/s. Poly Solar Parks Private Limited; Sri Srinivas Mantha, learned counsel for (i) M/s. Orange Uravakonda Wind Power Private Limited (ii) M/s. Axis Wind Energy (MPR Dam) & (iii) M/s. Orange Anantapur Wind Power Private Limited; Sri V. Sailendra representing (i) M/s. Mangalam Fashions Limited (ii) M/s. RBA Properties Limited (iii) M/s. Woodside Fashions Limited (iv) M/s. HC Commercial Limited (v) M/s. RSM Estates Limited & (vi) M/s. Daulat Financial Services Private Limited; Sri K. Syamala Rao, Deputy Manager representing (i) M/s. Eenadu Television Private Limited & (ii) M/s. Ushodaya Enterprises Private Limited; Sri Tushar Nagar, learned counsel for M/s. Green Infra Wind Solutions Limited; Sri Avijeet Lala and Sri Nethan Reddy, learned counsel for M/s. Vayu Urja Bharat Private Limited; Sri Venkatesh and Sri Suhael Buttun, learned counsel for M/s. Tata Power Renewable Energy Limited on the memo filed by the 41st respondent and Sri P. Shiva Rao, learned Standing Counsel for the utilities / petitioners, who also filed his objections to the memo. For orders, the matter is posted to 19-10-2019.

Call on:

19-10-2019
at 11:00 AM

Sd/-
MEMBER / PRM

Sd/-
MEMBER/PR

Sd/-
CHAIRMAN

Public hearing in the matter of approval of Power Sale Agreement (PSA) signed by APDISCOMs with M/s. NTPC and regulation of price under Section 86 (1) (b) of the Electricity Act, 2003 for purchase of power from 750 MW (Phase - II) Solar Park at NP Kunta, Anantapur District

Sri P. Shiva Rao, learned Standing Counsel for the utilities and Sri Aditya K. Singh, learned objector are present.

Orders pronounced (*vide common order*)

“Therefore, all the three matters under public hearing under consideration herein are ordered approving the procurement of solar power by Southern Power Distribution Company of Andhra Pradesh Limited (APSPDCL) and Eastern Power Distribution of Andhra Pradesh Limited (APEPDCL) respectively from M/s. National Thermal Power Corporation Limited (NTPC) and M/s. Solar Energy Corporation of India Limited (SECI) of a total quantum of 750 MW, 250 MW and 750 MW respectively at the specified Solar Parks under the Power Sale Agreements (PSAs) / Power Purchase Agreements (PPAs) respectively at the tariffs discovered through competitive bidding process, as per the guidelines issued by the Government of India, which stand adopted by the Commission under Section 63 of the Electricity Act, 2003, subject to the amendments to the Power Sale Agreements (PSAs) / Power Purchase Agreements (PPAs) respectively suggested by Sri M. Venugopala Rao and Sri A. Punna Rao, learned objectors being considered by the Distribution Companies of Andhra Pradesh, M/s. NTPC, M/s. SECI and the Solar Power Developers and their reporting back to the Commission within two (2) months from now their respective views on the proposed amendments. The Commission will examine the proposed amendments and views of the stakeholders received and after hearing in accordance with law, order incorporation of any amendments in the Power Sale Agreements (PSAs) / Power Purchase Agreements (PPAs) respectively considered relevant and necessary by the Commission.

These three matters are ordered accordingly. No costs”.

Sd/-
MEMBER / PRM

Sd/-
MEMBER/PR

Sd/-
CHAIRMAN

Public hearing in the matter of approval of Power Sale Agreement (PSA) signed by APDISCOMs with M/s. SECI and regulation of price under Section 86 (1) (b) of the Electricity Act, 2003 for purchase of power from 750 MW Kadapa Ultra Mega Solar Park

Sri P. Shiva Rao, learned Standing Counsel for the utilities and Sri Aditya K. Singh, learned objector are present.

Orders pronounced (*vide common order*)

“Therefore, all the three matters under public hearing under consideration herein are ordered approving the procurement of solar power by Southern Power Distribution Company of Andhra Pradesh Limited (APSPDCL) and Eastern Power Distribution of Andhra Pradesh Limited (APEPDCL) respectively from M/s. National Thermal Power Corporation Limited (NTPC) and M/s. Solar Energy Corporation of India Limited (SECI) of a total quantum of 750 MW, 250 MW and 750 MW respectively at the specified Solar Parks under the Power Sale Agreements (PSAs) / Power Purchase Agreements (PPAs) respectively at the tariffs discovered through competitive bidding process, as per the guidelines issued by the Government of India, which stand adopted by the Commission under Section 63 of the Electricity Act, 2003, subject to the amendments to the Power Sale Agreements (PSAs) / Power Purchase Agreements (PPAs) respectively suggested by Sri M. Venugopala Rao and Sri A. Punna Rao, learned objectors being considered by the Distribution Companies of Andhra Pradesh, M/s. NTPC, M/s. SECI and the Solar Power Developers and their reporting back to the Commission within two (2) months from now their respective views on the proposed amendments. The Commission will examine the proposed amendments and views of the stakeholders received and after hearing in accordance with law, order incorporation of any amendments in the Power

Sale Agreements (PSAs) / Power Purchase Agreements (PPAs) respectively considered relevant and necessary by the Commission.

These three matters are ordered accordingly. No costs”.

Sd/-
MEMBER / PRM

Sd/-
MEMBER/PR

Sd/-
CHAIRMAN

Public hearing in the matter of approval of Power Sale Agreement (PSA) signed by APDISCOMs with M/s. NTPC on 11-12-2017 and adoption of tariff under Section 63 of the Electricity Act, 2003 for purchase of 250 MW Solar Power from Kadapa Solar Park under NSM Phase-II, Batch-II, Tranche-I.

Sri P. Shiva Rao, learned Standing Counsel for the utilities and Sri Aditya K. Singh, learned objector are present.

Orders pronounced (*vide common order*)

“Therefore, all the three matters under public hearing under consideration herein are ordered approving the procurement of solar power by Southern Power Distribution Company of Andhra Pradesh Limited (APSPDCL) and Eastern Power Distribution of Andhra Pradesh Limited (APEPDCL) respectively from M/s. National Thermal Power Corporation Limited (NTPC) and M/s. Solar Energy Corporation of India Limited (SECI) of a total quantum of 750 MW, 250 MW and 750 MW respectively at the specified Solar Parks under the Power Sale Agreements (PSAs) / Power Purchase Agreements (PPAs) respectively at the tariffs discovered through competitive bidding process, as per the guidelines issued by the Government of India, which stand adopted by the Commission under Section 63 of the Electricity Act, 2003, subject to the amendments to the Power Sale Agreements (PSAs) / Power Purchase Agreements (PPAs) respectively suggested by Sri M. Venugopala Rao and Sri A. Punna Rao, learned objectors being

considered by the Distribution Companies of Andhra Pradesh, M/s. NTPC, M/s. SECI and the Solar Power Developers and their reporting back to the Commission within two (2) months from now their respective views on the proposed amendments. The Commission will examine the proposed amendments and views of the stakeholders received and after hearing in accordance with law, order incorporation of any amendments in the Power Sale Agreements (PSAs) / Power Purchase Agreements (PPAs) respectively considered relevant and necessary by the Commission.

These three matters are ordered accordingly. No costs”.

Sd/-
MEMBER / PRM

Sd/-
MEMBER/PR

Sd/-
CHAIRMAN

O.P.No.45 of 2019

South Indian Sugar Mills Association (SISMA) & 3 others Vs APSPDCL; APEPDCL & APPCC

Petition filed under section 86 (1) (e) & 181 (zp) of the Electricity Act, r/w Clause 19 of Regulation No.3 of 2017 and Clause 55 (1) & (2) of APERC (Conduct of Business) Regulation, 1999 for revisiting and Clarifying Clause 17 of the APERC Regulation on Power Evacuation from Captive Generation, Cogeneration and Renewable Energy Source Power Plants (Regulation No. 3 of 2017) to the extent of applying the same to the existing bagasse based co-generation plants having long term Power Purchase Agreements (PPAs) with Discoms

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

Counter filed. Time extended at request of Sri Deepak Chowdary, learned counsel representing Sri Challa Gunaranjan, learned counsel for the petitioners, for rejoinder till 23-11-2019.

Call on:

23-11-2019
at 11:00 AM

Sd/-
MEMBER / PRM

Sd/-
MEMBER/PR

Sd/-
CHAIRMAN

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

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

Counter filed. Time extended at request of Sri Deepak Chowdary, learned counsel
representing Sri Challa Gunaranjan, learned counsel for the petitioners, for rejoinder
till 23-11-2019.

Call on: 23-11-2019
at 11:00 AM

Sd/-
MEMBER / PRM

Sd/-
MEMBER/PR

Sd/-
CHAIRMAN

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

Counter filed. Time extended at request of Sri Deepak Chowdary, learned counsel
representing Sri Challa Gunaranjan, learned counsel for the petitioners, for rejoinder
till 23-11-2019.

Call on: 23-11-2019
at 11:00 AM

Sd/-
MEMBER / PRM

Sd/-
MEMBER/PR

Sd/-
CHAIRMAN

O.P.No.49 of 2017
M/s. Southern Rocks & Minerals Pvt. Ltd Vs APSLDC & 2 others

Petition under Section 86(1) (f) of the Electricity Act, 2003 r/w Clause 15 of Regulation 2 of 2006 & APERC (Conduct of Business) Regulations, 1999 to declare the date of commissioning of its solar plant (1.03 MW) as 16-06-2016 and to extend the benefits and incentives provided under G.O.Ms.No.8 dated 12-02-2015 as adopted in Regulation No.1 of 2016 & Regulation No. 2 of 2016 by allowing banking facility and scheduling of energy enabling petitioner to utilize the same for its captive use

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

At request of Sri P. Shiva Rao, learned Standing Counsel for the respondents, the matter is posted for hearing to 16-11-2019.

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

Sd/-
MEMBER / PRM

Sd/-
MEMBER/PR

Sd/-
CHAIRMAN

O.P.No.31 of 2019
M/s. Azure Power Infrastructure Private Limited Vs APSPDCL

Petition under Section 86 (1) (a) and (b) read with Section 86 (1) (f) of the Electricity Act, 2003 and Article 13 read with Article 11.4 of the Power Purchase Agreement executed between the petitioner and respondent dated 05-12-2014 seeking relief on account of "Change in Law" viz., the introduction of Goods and Services Tax Laws at the Central level and change in the rate of Service Tax, resulting in additional recurring expenditure in the form of an additional tax burden to be borne by the petitioner after the Effective Date of the Power Purchase Agreement

Sri Deepak Chowdary, learned counsel representing Sri Challa Gunaranjan, learned counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the respondent are present.

At request of Sri P. Shiva Rao, learned Standing Counsel for the respondent, the matter is posted for hearing to 16-11-2019.

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

Sd/-
MEMBER / PRM

Sd/-
MEMBER/PR

Sd/-
CHAIRMAN

O.P.No.36 of 2019
M/s. Ramagiri Renewable Energy Limited Vs APPCC & 2 others

Petition under Section 86 (1) (b) of the Electricity Act, 2003, read with read with the APERC (Conduct of Business) Regulations (Regulation 2 of 1999) for revision of approval for procurement of power with effect from 14-05-2018 by amending the approval dated 19-06-2018 and claiming for payment of amounts at a tariff of Rs. 2.33 / unit between the period of reconnection of supply and execution of amended PPA

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

At request of Sri P. Shiva Rao, learned Standing Counsel for the respondents, the matter is posted for hearing to 16-11-2019.

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

Sd/-
MEMBER / PRM

Sd/-
MEMBER/PR

Sd/-
CHAIRMAN

O.P.No.29 of 2019
M/s. Satya Maharshi Power Corporation Limited Vs APSPDCL & 3 others

Petition under Section 86 (1) (f) of the Electricity Act, 2003 and APERC (Conduct of Business) Regulations, 1999 for direction of payment of interest towards on delayed payment of power bills for the Financial Years 2016-17, 2017-18 in terms of PPA dated 10-05-2019

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

At request of Sri P. Shiva Rao, learned Standing Counsel for the respondents, the matter is posted for hearing to 16-11-2019.

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

Sd/-
MEMBER / PRM

Sd/-
MEMBER/PR

Sd/-
CHAIRMAN

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

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

The petitioner/applicant filed an Interlocutory Application to direct the 1st respondent/APSLDC to have the revised schedule of curtailment decided at the earliest, while it is also requested that the 2nd respondent/APTRANSCO be directed to have rectification of ICT-3 as early as possible.

Sri P. Shiva Rao, learned Standing Counsel for the utilities/licensees submitted a Progress Report in respect of ICTs 3 and 4 at Uravakonda 400 kV substation, which shows that ICT-4 had its auto transformer charged at 11:54 hrs on 21-09-2019 after replacement of valve and it is fully functional and the evacuation of power is to the extent of its capacity.

In so far as ICT-3 is concerned, the licensees have given a schedule of time for restoration for completing the various activities connected with re-commissioning of ICT-3.

The respondents/licensees shall take all possible steps for efficient evacuation of power to the capacity of ICT-4 without any hindrance and they shall ensure that rectification and restoration of ICT-3 shall be undertaken with the maximum possible expedition.

Sri P. Rama Mohan, Hon'ble Member of the Commission and the two officers assisting him in the task of monitoring restoration of ICT-3 and ICT-4 shall continue to have the process of restoration of ICT-3 and full-scale functioning of ICT-4 monitored under their regular supervision. Any default by the respondents/licensees be reported to the full Commission. Hence, the matter is posted for submission of the further Progress Report to 02-11-2019.

Call on:

02-11-2019
at 11:00 AM

Sd/-
MEMBER / PRM

Sd/-
MEMBER/PR

Sd/-
CHAIRMAN

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 request, the matter is posted to 16-11-2019.

Call on:

16-11-2019
at 11:00 AM

Sd/-
MEMBER / PRM

Sd/-
MEMBER/PR

Sd/-
CHAIRMAN