

Record of proceedings dated 06-07-2019

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 1/2015)

Sri P. Shiva Rao, learned Standing Counsel for the petitioners, Ms. Mazag Andrabi, Ms. Neha Akkineni & Mr. Ishon Nagpal, 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 Challa Gunaranjan, learned counsel for (i) M/s. Jindal Aluminium Limited (ii) M/s. Poonawalla Aviation Private Limited (iii) M/s. Poonawalla Shares & Securities Private Limited (iv) M/s. Cyrus Poonawalla Family Trust (v) M/s. Poonawalla Estates Stud & Agri Farm Private Limited (vi) M/s. Chanda Investments & Trading Company Private Limited (vii) M/s. Adurjee & Bros. Private Limited (viii) M/s. Naukhal Investment Private Limited (ix) M/s. Cyza Chem Private Limited (x) M/s. Villoo's Greenfield Farms (xi) M/s. Vibrant Green Tech India Limited & (xii) M/s. Sunwin Power Tech India Private Limited; Sri S. Nagarjuna Reddy, Asst. Manager representing (i) M/s. Mytrah Vaayu (Indravathi) Private Limited (ii) M/s. Mytrah Vayu (Tungabadra) Private Limited (iii) M/s. Mytrah Vayu (Krishna) Private Limited & (iv) M/s. Mytrah Energy (India) Private Limited, 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. Vayuputhra Energy Private Limited (iv) M/s. Kanhur Wind Power Private Limited (v) M/s. Animala Wind Power Private Limited (vi) M/s. JED Solar Parks Private Limited (vii) M/s. Poly Solar Parks Private Limited & (viii) M/s. Orange Anantapur Wind Power Private Limited; Sri Avijeeth Lala and Sri Nethan Reddy, learned counsel representing Sri Avinash Desai, learned counsel for M/s. Vayu Urja Bharat Private Limited; Smt. Rajeswari, AGM-Legal representing (i) M/s. Axis Wind

Energy (Anantapur) Private Limited & (ii) M/s. Axis Wind Farms (Rayalaseema) Private Limited are present.

Sri P. Shiva Rao, learned Standing Counsel for the petitioners requested for further time to place before the Commission the stand of the petitioners concerning the subject matter of the petition, as he did not yet receive any firm instructions on the petition in this regard. Hence, the matter is posted to 27-07-2019.

Call on: 27-07-2019
at 11:00 AM

Sd/-
MEMBER / PRM

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CHAIRMAN

O.P.No.40 of 2019

GMR Vemagiri Power Generation Ltd Vs APSPDCL, APEPDCL & M/s. Spectrum
Power Generation Ltd

Petition challenging the short-term purchase of power by the Respondent No. 1 & 2
from the Respondent No.3

Ms. Pujitha Gorantla, learned counsel for M/s. GMR Vemagiri Power Generation Limited, Sri P. Shiva Rao, learned Standing Counsel for the utilities and Sri M. Naga Deepak, learned counsel for M/s. Spectrum Power Generation Limited are present.

Time extended for filing responses of the petitioner and respondents to the objections of Sri M. Venugopala Rao, learned objector and rejoinder, if any, to the counter of the respondents 1 and 2 till 03-08-2019.

Call on: 03-08-2019
at 11:00 AM

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CHAIRMAN

I.A.No.11 of 2019 in O.P.No.61 of 2017
APSPDCL Vs APEPDCL & GoAP

In the matter of petition filed by APSPDCL seeking 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 over and above the stipulated 7 hrs supply and extending supply to the agriculture 7 hrs to 9 hrs a day from 17-02-2019 in the jurisdiction of APSPDCL on the State of Andhra Pradesh during FY 2018-19.

Sri P. Shiva Rao, learned Standing Counsel for the petitioner and the respondents is present.

Sri P. Shiva Rao, learned Standing Counsel entered appearance for both the respondents and requested for time for filing their response to the petition and also response of the petitioner and the respondents to the objections filed by Sri M. Venugopala Rao, learned objector. Hence, time granted till 20-07-2019.

Call on: 20-07-2019
at 11:00 AM

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I.A.No.12 of 2019 in O.P.No.60 of 2017
APEPDCL Vs APSPDCL & GoAP

In the matter of petition filed by APEPDCL seeking 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 over and above the stipulated 7 hrs supply and extending supply to the agriculture 7 hrs to 9 hrs a day from 15-02-2019 in the jurisdiction of APEPDCL on the State of Andhra Pradesh during FY 2018-19.

Sri P. Shiva Rao, learned Standing Counsel for the petitioner and the respondents is present.

Sri P. Shiva Rao, learned Standing Counsel entered appearance for both the respondents and requested for time for filing their response to the petition and also

response of the petitioner and the respondents to the objections filed by Sri M. Venugopala Rao, learned objector. Hence, time granted till 20-07-2019.

Call on: 20-07-2019
at 11:00 AM

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CHAIRMAN

O.P.No.44 of 2019
APTRANSCO Vs ---

In the matter of determination of tariff for intra-state transmission lines of APTRANSCO carrying interstate power for the FY 2019-20 to include the same in PoC Mechanism

Sri P. Shiva Rao, learned Standing Counsel for the petitioner and Sri Ch.V. Subba Rao, CGM/HRD/Plg/APTRANSCO are present.

No objections/suggestions/comments are received from any stakeholder. Heard Sri Ch.V. Subba Rao, CGM/HRD/Plg/APTRANSCO. For orders, the matter is posted to 12-07-2019 at 2:30 PM.

Call on: 12-07-2019
at 2:30 PM

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CHAIRMAN

O.P.No.33 of 2019

APSPDCL & APEPDCL Vs APGENCO

Petition u/s 86 (1) (b) of the Electricity Act, 2003 read with Section 21 (4) of the A.P. Reforms Act, 1998 requesting for granting consent to the Amended and Restated PPA dated 28-01-2019 in respect of 600 MW Rayalaseema Thermal Power Project (RTPP) - Stage IV at Muddanur, Cuddapah District.

Sri P. Shiva Rao, learned Standing Counsel for the petitioners and Sri K. Gopal Choudary, learned counsel for the respondent are present.

Both the learned objectors are not present. Hence, the matter is posted to 20-07-2019.

Call on: 20-07-2019
at 11:00 AM

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I.A.No.3 of 2019 in O.P.No.8 of 2018
Lanco Kondapalli Power Limited (Respondent in main O.P) Vs APDISCOMs
(Petitioners in main O.P)

Application under Section 86 (1) (b) of Electricity Act, 2003 read with Clause (55) of APERC (Conduct of Business) Regulations seeking directions to the respondents to pay variable cost on pass through basis corresponding to the increase / decrease in cost of fuel from time to time for the exported units from the generating station and the same is taken on the file of the Commission as I.A. No. 3/2019 in O.P.No.8/2018

Sri Challa Gunaranjan, learned counsel for the petitioner, Sri P. Shiva Rao, learned Standing Counsel for the respondents and Ms. Pujitha Gorantla, learned counsel for M/s. GMR Vemagiri Power Generation Limited are present.

Rejoinder to the reply filed by the petitioner to the preliminary objection on behalf of GMR Vemagiri Power Generation Limited is filed. Hence, the matter is posted for hearing, at request to 03-08-2019.

Call on: 03-08-2019
at 11:00 AM

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CHAIRMAN

O.P.No.8 of 2018
APSPDCL & APEPDCL Vs M/s. Lanco Kondapalli Power Ltd

Petition filed u/s 86 (1) (b) of the Electricity Act, 2003 seeking renewal of PPA with M/s. Lanco Kondapalli Power Ltd.

Sri P. Shiva Rao, learned Standing Counsel for the petitioners, Sri Challa Gunaranjan, learned counsel for the respondent and Ms. Pujitha Gorantla, learned counsel for M/s. GMR Vemagiri Power Generation Limited are present.

Sri P. Shiva Rao, learned Standing Counsel for the petitioners has submitted that he was instructed to take steps for withdrawal of the Original Petition. Therefore, he sought for time. Hence, the matter is posted to 03-08-2019.

Call on: 03-08-2019
at 11:00 AM

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I.A.No.6 of 2019 in O.P.No.8 of 2018 and I.A.No.7 of 2019 in I.A.No.6 of 2019
APSPDCL & APEPDCL Vs M/s. Lanco Kondapalli Power Ltd

M/s. GMR Vemagiri Power Generation Ltd filed Intervention cum Objection affidavit
and interlocutory application

Sri P. Shiva Rao, learned Standing Counsel for the petitioners, Sri Challa Gunaranjan, learned counsel for the respondent and Ms. Pujitha Gorantla, learned counsel for M/s. GMR Vemagiri Power Generation Limited are present.

In I.A.No.6 of 2019 in O.P.No.8 of 2018, rejoinder filed on behalf of GMR Vemagiri Power Generation Limited to the counter filed on behalf of the AP Discoms. Rejoinder filed on behalf of GMR Vemagiri Power Generation Limited to the counter filed on behalf of Lanco Kondapalli Power Limited. In I.A.No.7 of 2019 in I.A.No.6 of 2019 in O.P.No.8 of 2018, rejoinder filed on behalf of GMR Vemagiri Power Generation Limited to the counter filed on behalf of the AP Discoms. Rejoinder filed on behalf of GMR Vemagiri Power Generation Limited to the counter filed on behalf of Lanco Kondapalli Power Limited. For hearing, the matter is posted to 03-08-2019.

Call on: 03-08-2019
at 11:00 AM

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CHAIRMAN

Public hearing in the matter of granting consent for renewed PPA signed by APDISCOMs for the old stations of APGENCO for the period from 01-04-2019 to 31-03-2024

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

Sri M. Venugopala Rao, learned objector is not present. Hence, the matter is posted to 20-07-2019.

Call on: 20-07-2019
at 11:00 AM

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O.P.No.43 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

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

Sri P. Shiva Rao, learned Standing Counsel entered appearance for all the four respondents and sought for time for filing counter. Hence, time extended for filing counter till 17-08-2019.

Call on: 17-08-2019
at 11:00 AM

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O.P.No.12 of 2018
M/s. ITC Limited Vs APSPDCL & 2 others

Petition under Section 86(1) (f) of the Electricity Act, 2003 for recovery of various amounts towards delayed payment surcharge from the APDISCOMs with respect to supply of wind power against order in Lr.No.CE / Comml / APPCC / SE / Comml / F-ITC / D.No. 399 / 16 dated 30-05-2016.

Sri K. Gopal Choudary, learned counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the respondents are present.

Heard Sri K. Gopal Choudary, learned counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the respondents. For orders, the matter is posted to 12-07-2019 at 2:30 PM.

Call on: 12-07-2019
at 2:30 PM

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CHAIRMAN

O.P.No.11 of 2018
M/s. ITC Limited Vs APSPDCL & 3 others

Petition under Sections 86(1) (f) and 62 (6) of the Electricity Act, 2003 for recovery of various amounts towards delayed payment surcharge, interest, reimbursements and / or refunds from the APDISCOMs with respect to supply of wind power against order in Lr. No. CE / Comml / APPCC / SE / Comml / F-ITC / D.No. 377 / 14 dated 04-12-2014.

Sri K. Gopal Choudary, learned counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the respondents are present.

Heard Sri K. Gopal Choudary, learned counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the respondents. For orders, the matter is posted to 12-07-2019 at 2:30 PM.

Call on: 12-07-2019
at 02:30 PM

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FOR ORDERS
M/s. Balaji Energy Pvt Ltd Vs APSPDCL

In the matter remanded by the Hon'ble High Court of A.P. vide its order dated 29-04-2019 in W.P.No.32465 of 2017

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

Orders are not ready. Hence, for orders, the matter is posted to 09-07-2019 at 2:30 PM.

Call on: 09-07-2019
at 2:30 PM

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

Sri P. Shiva Rao, learned Standing Counsel entered appearance for all the three respondents and sought for time for filing counter. Hence, time extended for filing counter till 17-08-2019.

Call on: 17-08-2019
at 11:00 AM

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O.P.No.28 of 2019

M/s. Bharath Wind Farm Ltd Vs APSPDCL

Petition filed u/s 86 (1) (f) of the Electricity Act, 2003 for directions to the respondent in seeking declaration of applicable tariff and payment thereof for the supply of electricity by the petitioner to the respondent

Ms. Ritu, learned counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the respondent are present.

Rejoinder on behalf of the petitioner to the reply filed by the respondent is filed. For hearing, the matter is posted to 03-08-2019.

Call on: 03-08-2019
at 11:00 AM

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

Time extended for taking steps for amendment of the counter as requested by Sri P. Shiva Rao, learned Standing Counsel for the utilities till 12-07-2019 at 2:30 PM.

Call on: 12-07-2019
at 2:30 PM

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CHAIRMAN

O.P.No.21 of 2019

M/s. RCI Power Limited Vs APSPDCL

Petition under Section 86 (1) (f) of the Electricity Act, 2003 for directions to the Respondent in seeking declaration of applicable tariff ad payment thereof for the supply of electricity by the petitioner to the respondent

Ms. Ritu, learned counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the respondent are present.

Rejoinder on behalf of the petitioner to the reply filed by the respondent is filed. For hearing, the matter is posted to 03-08-2019.

Call on: 03-08-2019
at 11:00 AM

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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 Challa Gunaranjan, learned counsel for the petitioners 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, time extended for counter of the 2nd respondent finally till 12-07-2019 at 2:30 PM.

Call on: 12-07-2019
at 2:30 PM

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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.

At request of Sri P. Shiva Rao, learned Standing Counsel for the respondents, time extended for counter of the 2nd respondent finally till 12-07-2019 at 2:30 PM.

Call on: 12-07-2019
at 2:30 PM

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

Rejoinder filed on behalf of the petitioner. For hearing, the matter is posted to 17-08-2019.

Call on: 17-08-2019
at 11:00 AM

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CHAIRMAN

O.P.No.46 of 2019
M/s. Nava Bharat Ventures Ltd Vs APEPDCL & Dy. CCA (PSS), APPCC

Petition under Section 86 (1) (f) of Electricity Act, 2003 challenging the unilateral re-categorization of the petitioner's category falling under HT (I) in terms of Article 2.5 of PPA dt.06.05.2006 to HT (II) (F) despite exercising option to continue under existing category and adjustment and/or withholding of the charges levied on import of power for the FY 2018-19, computed as per HT (II) (F) tariff without any intimation of the same.

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

Sri P. Shiva Rao, learned Standing Counsel entered appearance for both the respondents and sought for time for filing counter. Hence, time extended for filing counter till 03-08-2019.

Call on: 03-08-2019
at 11:00 AM

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