

**Record of proceedings dated 07-09-2019**

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 P. Shiva Rao, learned Standing Counsel for the utilities and Sri M. Venugopala Rao, learned objector are present.

There is no representation for the petitioner in view of abstention from the work by the learned Advocates of the Bar. Hence, time extended for filing rejoinder till 28-09-2019.

Call on: 28-09-2019  
at 11:00 AM

Sd/-  
MEMBER / PRM

Sd/-  
MEMBER/PR

Sd/-  
CHAIRMAN

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, Sri M. Venugopala Rao, Sri. T.M.V. Srinivas representing The Federation of Andhra Pradesh Chambers of Commerce and Industry (FAPCCI) and Sri R. Shiv Kumar representing APSMA learned objectors are present.

Time extended at request for response of the petitioners to the objections of Sri M. Venugopala Rao, learned objector and for hearing on the question of limitation till 05-10-2019.

Call on: 05-10-2019  
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, Sri M. Venugopala Rao, Sri. T.M.V. Srinivas representing The Federation of Andhra Pradesh Chambers of Commerce and Industry (FAPCCI) and Sri R. Shiv Kumar representing APSMA learned objectors are present.

Time extended at request for response of the petitioners to the objections of Sri M. Venugopala Rao, learned objector and for hearing on the question of limitation till 05-10-2019.

Call on:

05-10-2019  
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, Sri M. Venugopala Rao, Sri. T.M.V. Srinivas representing The Federation of Andhra Pradesh Chambers of Commerce and Industry (FAPCCI) and Sri R. Shiv Kumar representing APSMA learned objectors are present.

Time extended at request for response of the petitioners to the objections of Sri M. Venugopala Rao, learned objector and for hearing on the question of limitation till 05-10-2019.

Call on: 05-10-2019  
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 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 is present.

Learned Standing Counsel for the Discoms filed an application for adjournment of the matter stating that they approached the Hon'ble Appellate Tribunal for Electricity for modification of the interim orders dated 29-08-2019 and hence, the matter may be adjourned beyond 16-09-2019. Hence, the matter is posted to 21-09-2019.

Call on: 21-09-2019  
at 11:00 AM

Sd/-  
MEMBER / PRM

Sd/-  
MEMBER/PR

Sd/-  
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 utilities is present.

Sri P. Shiva Rao, learned Standing Counsel for the utilities stated that he did not receive any instructions from the respondents. Hence, the office of the Commission may issue a notice to the Secretary, Energy Department, Government of Andhra Pradesh to appear before the Commission in person and state the response / stand of the Government on the request of the petitioner for additional agricultural subsidy for 2018-19 on 16-09-2019 (Monday) at 2:00 PM.

Call on: 16-09-2019  
at 2:00 PM

Sd/-  
MEMBER / PRM

Sd/-  
MEMBER/PR

Sd/-  
CHAIRMAN

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 utilities is present.

Sri P. Shiva Rao, learned Standing Counsel for the utilities stated that he did not receive any instructions from the respondents. Hence, the office of the Commission may issue a notice to the Secretary, Energy Department, Government of Andhra Pradesh to appear before the Commission in person and state the response / stand of the Government on the request of the petitioner for additional agricultural subsidy for 2018-19 on 16-09-2019 (Monday) at 2:00 PM.

Call on: 16-09-2019  
at 2:00 PM

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, Mr. Hemant Sahai, learned counsel for (i) Ayana Ananthapuramu Solar Power Private Limited (ii) Sprng Anitra Private Limited and (iii) SB Energy Solar Private Limited and Sri M. Venugopala Rao, learned objector are present.

Sri P. Shiva Rao, learned Standing Counsel for the utilities submitted that they are moving the Hon'ble Appellate Tribunal for Electricity for modification of the earlier interim orders which is likely to be heard on any day on or after 16-09-2019 and wanted a reasonable opportunity to have the matter heard after the same. Sri Hemant Sahai, learned counsel for the intervening three generators desired an early determination of the questions on issue. Under the circumstances, the matter is posted finally to 28-09-2019.

Call on: 28-09-2019  
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. 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, Mr. Hemant Sahai, learned counsel for (i) Ayana Ananthapuramu Solar Power Private Limited (ii) Sprng Anitra Private Limited and (iii) SB Energy Solar Private Limited and Sri M. Venugopala Rao, learned objector are present.

Sri P. Shiva Rao, learned Standing Counsel for the utilities submitted that they are moving the Hon'ble Appellate Tribunal for Electricity for modification of the earlier

interim orders which is likely to be heard on any day on or after 16-09-2019 and wanted a reasonable opportunity to have the matter heard after the same. Sri Hemant Sahai, learned counsel for the intervening three generators desired an early determination of the questions on issue. Under the circumstances, the matter is posted finally to 28-09-2019.

Call on: 28-09-2019  
at 11:00 AM

Sd/-  
MEMBER / PRM

Sd/-  
MEMBER / PR

Sd/-  
CHAIRMAN

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

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

In view of the abstention of the Advocates from work, time extended for counter of the petitioner on the Interlocutory Application and counters of respondents in the main petition till 28-09-2019.

Call on: 28-09-2019  
at 11:00 AM

Sd/-  
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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 P. Shiva Rao, learned Standing Counsel for the respondents is present.

Time extended at request of Sri P. Shiva Rao, learned Standing Counsel for the respondents, for counter of the respondents till 05-10-2019.

Call on: 05-10-2019  
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 P. Shiva Rao, learned Standing Counsel for the respondent is present.

In view of the abstention of Advocates from work, the matter is posted to 28-09-2019.

Call on: 28-09-2019  
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 P. Shiva Rao, learned Standing Counsel for the utilities is present.

In view of the abstention of Advocates from work, the matter is posted for rejoinder of the petitioners to 05-10-2019.

Call on: 05-10-2019  
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 P. Shiva Rao, learned Standing Counsel for the utilities is present.

In view of the abstention of Advocates from work, the matter is posted for rejoinder of the petitioners to 05-10-2019.

Call on: 05-10-2019  
at 11:00 AM

Sd/-  
MEMBER / PRM

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



In view of the abstention of Advocates from work, the matter is posted for hearing to 05-10-2019.

Call on: 05-10-2019  
at 11:00 AM

Sd/-  
MEMBER / PRM

Sd/-  
MEMBER/PR

Sd/-  
CHAIRMAN

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 Venkatesh Teja representing the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the utilities are present.

At request, the matter is posted to 28-09-2019 for hearing.

Call on: 28-09-2019  
at 11:00 AM

Sd/-  
MEMBER / PRM

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MEMBER / PR

Sd/-  
CHAIRMAN

O.P.No.34 of 2019  
M/s. JSW Power Trading Company Ltd Vs APSPDCL  
Petition under Sections 86 (1) (f) & other applicable provisions of the Electricity Act, 2003 and Regulations made thereunder seeking direction to respondent for payment of unlawfully withheld amount including interest for the supply of energy to respondent under Purchase Order dated 21-08-2014 and Power Purchase Agreement dated 29-09-2014

Sri Suraj D. Guru (AR) of the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the respondent are present.

At request, the matter is posted to 28-09-2019 for hearing.

Call on: 28-09-2019  
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 P. Shiva Rao, learned Standing Counsel for the respondent is present.

None appeared for the petitioner. Hence, the matter is posted to 05-10-2019.

Call on: 05-10-2019  
at 11:00 AM

Sd/-  
MEMBER / PRM

Sd/-  
MEMBER / PR

Sd/-  
CHAIRMAN

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

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

None appeared for the petitioner. The patent typographical error in the written submissions filed on behalf of the petitioner on 31-01-2019 about the amount claimed brought to the notice of the learned counsel and the matter is posted for orders to 11-09-2019 (Wednesday) at 2:00 PM.

Call on: 11-09-2019  
at 2:00 PM

Sd/-  
MEMBER / PRM

Sd/-  
MEMBER/PR

Sd/-  
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

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

None appeared for the petitioner. The patent typographical error in the written submissions filed on behalf of the petitioner on 31-01-2019 about the amount claimed brought to the notice of the learned counsel and the matter is posted for orders to 11-09-2019 (Wednesday) at 2:00 PM.

Call on:

11-09-2019  
at 2:00 PM

Sd/-  
MEMBER / PRM

Sd/-  
MEMBER/PR

Sd/-  
CHAIRMAN

O.P.No.38 of 2019

Sri G. Vijayabhaskar Reddy Vs Assistant Executive Engineer,  
Section-1, Construction Sub Division, APTRANSCO, Tirupati, Chittoor District and  
District Collector, Chittoor

Petition under Rules 3 (5) and 13 (2) of Works of Licensee Rules, 2007 for damage to the petitioner's land and mango trees due to construction of High Tension Transmission Towers and Lines by APTRANSCO

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

Orders pronounced (*vide separate common order*)

“17. Therefore, the matters are accordingly remitted back to the District Collector, Chittoor for reconsideration of the subject matter of his proceedings in Roc.No.G3/49063/2017 dated 10-04-2018 and redetermination of the reasonable and full compensation to which the Petitioners are entitled by reason of the works of the licensee, in accordance with the Andhra Pradesh Works of Licensees Rules, 2007.

**18.** The Original Petitions are ordered accordingly. No costs”.

Sd/-  
MEMBER / PRM

Sd/-  
MEMBER / PR

Sd/-  
CHAIRMAN

O.P.No.39 of 2019

Sri M. Sambasiva Reddy Vs Assistant Executive Engineer, Section-1, Construction Sub Division, APTRANSCO, Tirupati, Chittoor District and District Collector, Chittoor

Petition under Rules 3 (5) and 13 (2) of Works of Licensee Rules, 2007 for damage to the petitioner's land and mango trees due to construction of High Tension Transmission Towers and Lines by APTRANSCO

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

Orders pronounced (*vide separate common order*)

“**17.** Therefore, the matters are accordingly remitted back to the District Collector, Chittoor for reconsideration of the subject matter of his proceedings in Roc.No.G3/49063/2017 dated 10-04-2018 and redetermination of the reasonable and full compensation to which the Petitioners are entitled by reason of the works of the licensee, in accordance with the Andhra Pradesh Works of Licensees Rules, 2007.

**18.** The Original Petitions are ordered accordingly. No costs”.

Sd/-  
MEMBER / PRM

Sd/-  
MEMBER / PR

Sd/-  
CHAIRMAN