

RECORD OF PROCEEDINGS DATED 07-09-2022

OP No. 32 of 2022

& IA No. 1 of 2022

(Brightsolar Renewable Energy Private Limited Vs. APSPDCL, APSLDC & APPCC)

(FOR BEING MENTIONED)

"Petition under Sections 86(l)(b) and 86(l)(f) of the Electricity Act, 2003 for adjudication of disputes arising out of the Power Purchase Agreement dated 04.12.2014 between Southern Power Distribution Company of Andhra Pradesh Limited and M/s Brightsolar Renewable Energy Private Limited seeking issuance of appropriate order(s)/ direction(s) from this Hon'ble Commission to direct the Southern Power Distribution Company of Andhra Pradesh Limited to pay the outstanding dues in terms of the invoices raised by the Petitioner herein along with the late payment surcharge and opening of Letter of Credit

Application filed under section 94(2) of the Electricity Act, 2003 read with Regulation 55 of the APERC (Conduct of Business) Regulations, 1999 for interim relief

(ON BEING MENTIONED)

Sri Nitish Gupta, learned counsel for the petitioner and Sri P.Shiva Rao, learned Standing Counsel for the respondents are present at the hearing.

This case is posted "for being mentioned" in view of the typographical errors occurred in the Commission's procedural order dated 13-7-2022. Instead of referring to sums 8 and 10 as 'crores', it has been mentioned as 'lakhs'. On the mistakes being pointed out by the learned counsel for the petitioner, the case is being posted for appropriate correction in the order.

Today, at the hearing, Sri P.Shiva Rao, learned Standing Counsel for the respondents, agreed that reference to 'lakhs' is a mistake for the word 'crores'.

Accordingly, order dated 13-7-2022 is corrected as under:

"Sri Hemanth Sahai, learned Senior counsel for the petitioner and Sri P.Shiva Rao, learned Standing counsel for the respondents, are present at the hearing.

Sri P.Shiva Rao, learned Standing counsel for the respondents, submitted that a few days back the respondents have paid a sum of **Rs.8.00 crores (Rupees eight crores only)** from out of the admitted liability; and the balance admitted liability of about **Rs.10.00 crores (Rupees ten crores)** will be paid within two months".

In the light of the above submission, call on 12-10-2022 for reporting payment".

Office shall issue corrected order.

Sd/-
Member/TRS

Sd/-
Chairman

Sd/-
Member/PRR

OP No. 49 of 2022
Ponnaganti Kesava Ram & Ors. Vs. Collector, NTR Dt, CMD APTransco, CE
APTRANSCO

(Petition filed under Electricity Act, 2003 Andhra Pradesh Works of Licence Rules, 2007, GO Ms.No. 24 dt 27-02-2007 to direct the respondent to fix RoW land damages compensation for @250%)

Sri P.Chengal Reddy, learned counsel for the petitioners; Sri P.Shiva Rao, learned Standing Counsel for the Power Utilities-respondents 2 and 3; and Smt Lakshmi, Tahsildar, Vissannapeta, representing the District Collector, NTR District-respondent No.1, are present at the hearing.

Sri P.Shiva Rao, learned Standing Counsel for the Power Utilities, takes notice on behalf of respondents 2 and 3 and seeks time for filing counters.

The Tahsildar, Vissannapeta, representing respondent No.1-District Collector, also requests time to file counter.

Accordingly, four weeks' time is granted.

Call on 02-11-2022.

Sd/-
Member/TRS

Sd/-
Chairman

Sd/-
Member/PRR

OP No. 40 of 2022
APSPDCL

(Petition filed under section 61,66, 86(1)(e) of the Electricity Act, 2003 read with APERC Regulation 1 of 2017 seeking Renewable Energy Certificates for the FY 2019-20)

OP No. 50 of 2022
APSPDCL

(Petition filed under section 61,66, 86(1)(e) of the Electricity Act, 2003 read with APERC Regulation 1 of 2017 seeking Renewable Energy Certificates for the FY 2020-21)

Sri P.Shiva Rao, learned Standing Counsel for the respondent is present at the hearing. Public Notice shall be issued through the Commission's website.

Call on 02-11-2022.

Sd/-
Member/TRS

Sd/-
Chairman

Sd/-
Member/PRR

RP No. 4 of 2022 in OP No. 52 of 2019

APPDCL Vs. APDISCOMs

(Petition filed for review of the order dated 13-08-2020 passed in OP 52 of 2019 with respect to payment of fixed charges on normative availability of power of 85% of the capacity and the incentive also to commence from above 85%)

&

O.P.No. 43 of 2020

APPDCL Vs. APSPDCL, APEPDCL, APCPDCL, APTRANSCO & APGENCO

(Petition u/s 86 (1) (f) of the Electricity Act, 2003 for adjudication of the dispute relating to payment of Fixed Charges to APPDCL upon diversion of Flexi coal from RTPP-I & III Stages of APGENCO to SDSTPS/ Stage-I of APPDCL during FY2018-19 & 2019-20)

Sri K.Gopal Chowdary, learned Standing Counsel for the petitioner and Sri P.Shiva Rao, learned Standing Counsel for the Power Utilities, are present at the hearing.

Sri P.Shiva Rao submitted that the issues have been settled after reconsideration and that formal Minutes in this regard are awaited. He requested a short time for filing the Minutes.

Call on 28-9-2022 for reporting settlement.

Sd/-
Member/TRS

Sd/-
Chairman

Sd/-
Member/PRR

OP. No. 86 of 2021 & IA No. 1 of 2021

M/s. Sarda Metals & Alloys Ltd Vs. APEPDCL

(Petition u/s 86 (1) (f) of the Electricity Act, 2003 challenging the levy & collection of overinjection charges and seeking a direction to the respondent to pay an amount of Rs.2,90,81,340/- towards the power (10769675 KWH) injected by the petitioner during the period of 03.02.2013 to 28.02.2021.
Application seeking interim relief)

Sri Kaushik, Advocate representing Sri P.V.ikram, learned counsel for the petitioner, and Sri P.Shiva Rao, learned Standing Counsel for the respondent, are present at the hearing.

Further time for rejoinder is requested for.

Call on 02-11-2022.

Sd/-
Member/TRS

Sd/-
Chairman

Sd/-
Member/PRR

OP No. 35 of 2022
Tirumala Cotton and Agro Products Pvt Ltd., Vs. APPCC, APSPDCL,
APTRANSCO,APSLDC

(Petition filed u/s 86(1) (e) of the electricity act, 2003 r/w clause 9 of the APERC (Conduct of Business) Regulations, 1999 to direct the respondents to make payment of an amount of Rs. 76,30,134.37/- due to the petitioner in respect of the sale invoice / bill of supply dt 06-07-2019 for the FY 2018-19 towards sale of the un-utilized banked units)

Sri K.Gopal Chowdary, learned Advocate representing Sri Sricharan Telaprolu, learned counsel for the petitioner; and Sri P.Shiva Rao, learned Standing Counsel for the respondents are present at the hearing.

I.A.No.1 of 2022:

This Interlocutory Application dated 05-9-2022 is stated to have been received by the Office of this Commission yesterday, wherein the petitioner sought for permission to amend the cause title by replacing respondent No.2 with “The Andhra Pradesh Central Power Distribution Corporation Limited, YSR Vidyuth Soudha, Corporate Office, Besides Government Polytechnic College, ITI Road, Vijayawada-520008 represented by its Managing Director”.

Sri P.Shiva Rao, learned Standing Counsel for the respondents, submitted that he has no objection for the prayer in the I.A.

The I.A. is accordingly allowed.

Office is directed to number the I.A.

OP No. 35 of 2022:

Rejoinder is filed.

At the request of the learned counsel for both the parties, call on 28-9-2022 for hearing.

Sd/-
Member/TRS

Sd/-
Chairman

Sd/-
Member/PRR

OP No. 114 of 2021
Triveni Enterprises Vs. APTRANSCO & APSPDCL
&
OP No. 115 of 2021
Chandulal Surajmal Vs. APTRANSCO & APSPDCL

(Petition filed under sections 86(1)(a), 86(1)(b) and 86(1)(e) of the Electricity Act, 2003, for approval of generic tariff at Rs. 3.43/- per unit for sale of wind power to the AP DISCOMs, for PPA dt: 31-03-2011 in the State of Andhra Pradesh, after expiry of the ten year period in terms of the Order dated: 01-05-2009 passed by this Hon'ble Commission in OP Nos. 6 and 7 of 2009)

Ms.Sunita Mondal, learned Advocate representing Sri A.P.Reddy, learned counsel for the petitioners; and Sri P.Shiva Rao, learned Standing Counsel for the respondents, are present at the hearing.

Proof of publication is filed.

Call on 02-11-2022 for hearing.

Sd/-
Member/TRS

Sd/-
Chairman

Sd/-
Member/PRR

OP No. 113 of 2021

Vayu (India) Power Corporation Limited Vs. APTRANSCO, APPCC & APSPDCL
(Petition filed under Section 86(1)(b), 86(1)(e) and 86(1)(f) of the Electricity Act, 2003 for specific performance of the Power Purchase Agreement dated 29-05-2010 and for a direction against the respondents to make payments of the outstanding amounts)

Sri Aniket Prasoon, learned counsel representing Sri Kailash Nath P.S.S, learned Counsel for the petitioner; and Sri P.Shiva Rao, learned Standing Counsel for the Power Utilities; and Sri Santosh Rao, CMD I/c. of respondent No.3 are present at the hearing.

Sri P.Shiva Rao, learned Standing Counsel, submitted on behalf of the CMD of respondent No.3 that the entire amount, as directed to be deposited by order dated 16-3-2022 and by further order dated 29-6-2022 will be deposited by the end of this month, provided the petitioner sorts out the issue of the proper Bank in which the amount has to be credited.

Sri Aniket Prasoon, learned counsel for the petitioner, submitted that his client will sort out the Bank issue.

In view of the unequivocal undertaking given by the learned Standing Counsel for the respondents and the CMD of respondent No.3, time for deposit of the amount is extended till 30-9-2022.

Call on 12-10-2022 for reporting payment.

Sd/-
Member/TRS

Sd/-
Chairman

Sd/-
Member/PRR

OP No. 46 of 2022 - APSPDCL

OP No. 47 of 2022 - APEPDCL

&

OP No. 48 of 2022 - APCPDCL

(Filing of application for pass through of Fuel & Power Purchase Cost Adjustment (FPPCA) for 4th quarter for FY 2021-22 (January'22 to March'22) in Rs./Unit as per Second amendment to APERC Regulation No. 4 of 2005 (Terms and conditions for determination of tariff on wheeling and retail sale of electricity) Regulation No. 4 of 2021).

Sri P.Shiva Rao, learned Standing Counsel for the petitioners and Sri M.Venugopala Rao and Sri Ch.Babu Rao, State Executive Secretary, CPI(M), learned Objectors, are present at the public hearing.

Sri P.Shiva Rao, learned Standing Counsel for the petitioners, requested time for filing responses of the petitioners to the objections filed by Sri M.Venugopala Rao and Sri Ch.Babu Rao, State Executive Secretary, CPI(M).

Sri M.Venugopala Rao and Sri Ch.Babu Rao, learned Objectors, made their detailed submissions based on the written objections submitted by them.

Since the petitioners have sought time for filing their final responses, further hearing of these petitions is adjourned to 02-11-2022. Meanwhile, within two weeks the petitioners shall file their responses and the same shall be uploaded on the website by the office of the Commission.

In the light of the above, the virtual hearing scheduled on 09-9-2022 shall stand postponed. The date for virtual hearing will be notified in due course.

Office shall, accordingly, inform the public, through notice published in the Commission's web site. .

Sd/-
Member/TRS

Sd/-
Chairman

Sd/-
Member/PRR

OP No. 12 of 2022

M/s. Palnadu Solar Power Pvt Ltd Vs. APCPDCL & APPCC

(Petition under Section 86(I)(f) r/w. Section 86(I)(e) of the Electricity Act, 2003, Regulation 8 of the Andhra Pradesh Electricity Regulatory Commission (Conduct of Business) Regulations, 1999 seeking direction to the Respondents for releasing payment of the outstanding amounts along with interest on delayed payment of invoices towards sale of Solar Power as per the PPA).

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

Sri P.Shiva Rao, learned Standing Counsel, submitted that the O.Ps involving the issue relating to LPS are posted to 12-10-2022, and, therefore, requested to post this O.P. also along with the said O.Ps.

The request of the learned Standing Counsel is accepted.

Call on 12-10-2022.

Sd/-
Member/TRS

Sd/-
Chairman

Sd/-
Member/PRR

OP No. 63 of 2021

Shri Girija Alloy & Power (I) Pvt Ltd Vs. APEPDCL

(Petition filed u/s 86 (1) If of the Electricity Act, 2003 seeking startup power tariff to be in conformity with Clause 17 of Regulation 3 of 2017)

Sri Kaushik, Advocate representing Sri P.Vikram, learned counsel for the petitioner and Sri P.Shiva Rao, learned Standing Counsel for the respondent, are present at the hearing.

Rejoinder is filed. At the request of the learned counsel for the petitioner, call on 02-11-2022 for hearing.

Sd/-
Member/TRS

Sd/-
Chairman

Sd/-
Member/PRR

OP No. 89 of 2021

M/s. Mytrah Vayu (Pennar) Private Limited Vs. APSPDCL & APPCC

(Petition under Section 86(I)(f) of the Electricity Act, 2003, R/w. APERC (Conduct of Business) Regulations, 1999 seeking direction to the respondents for releasing payment against the outstanding monthly invoices towards sale of wind energy along with the interest/delayed payment surcharge as per Articles 2.2 and 5.2 of the Power Purchase Agreement dated 27.04.2012)

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

Sri P.Shiva Rao, learned Standing Counsel, submitted that the O.Ps involving the issue relating to LPS are posted to 12-10-2022, and, therefore, requested to post this O.P. also along with the said O.Ps.

The request of the learned Standing Counsel is accepted.

Call on 12-10-2022.

Sd/-
Member/TRS

Sd/-
Chairman

Sd/-
Member/PRR

OP No. 42 of 2021

M/s. Compucom Software Ltd., Vs. APSPDCL

(Petition under the Sections 86(1)(a), 86(1)(b) and 86(1)(e) of the Electricity Act, 2003, seeking approval of generic tariff at Rs.3.43/- per unit for sale of wind power to the A.P. DISCOMS, from its generating plants located at Kurnool District, after expiry of the initial ten year period in terms of the Order dated 01.05.2009 passed by this Hon'ble Commission in O.P Nos. 6 and 7 of 2009).

OP No. 52 of 2021

M/s. Vikram Traders Vs. APTRANSCO & APSPDCL

OP No. 53 of 2021

M/s. S. Kumar Vs. APTRANSCO & APSPDCL

OP No. 54 of 2021

M/s. Siddanga Oil Extractions Pvt Ltd Vs. APTRANSCO & APSPDCL

OP No. 55 of 2021
M/s. Texmo Precision Casting Vs. APTRANSCO & APSPDCL
OP No. 56 of 2021
M/s. Arts & Crafts Exports Vs. APTRANSCO & APSPDCL
OP No. 57 of 2021
M/s. Prakash Beedies Pvt Ltd Vs. APTRANSCO & APSPDCL
OP No. 58 of 2021
M/s. Texmo Industries Vs. APTRANSCO & APSPDCL
OP No. 61 of 2021
M/s. Shreem Electric Ltd Vs. APTRANSCO & APSPDCL
OP No. 105 of 2021
M/s International Conveyors Limited Vs. APTRANSCO & APSPDCL

(Petitions under the Sections 86(1)(a), 86(1)(b) and 86(1)(e) of the Electricity Act, 2003, seeking approval of generic tariff at Rs.3.43/- per unit for sale of wind power to the A.P. DISCOMS, from its generating plants located at Kurnool District, after expiry of the initial ten year period in terms of the Order dated 01.05.2009 passed by this Hon'ble Commission in O.P Nos. 6 and 7 of 2009).

Sri Deepak Chowdary, Advocate representing Sri Challa Gunaranjan, learned counsel for the petitioner in O.P.No.42 of 2021; Ms. Sunitha Mondal, Advocate representing Sri A.P. Reddy, learned for the petitioners in O.P.No.52 of 2021 and batch of the remaining O.Ps; and Sri P.Shiva Rao, learned Standing Counsel for the respondent, are present at the hearing.

Sri Deepak Chowdary made his submissions in O.P.No.42 of 2021.

Sri P.Shiva Rao, made his reply submissions.

At the request of the learned counsel representing Sri A.P.Reddy, learned counsel for the petitioners in O.P.No. 52 of 2021 and batch of the remaining cases listed today for hearing, call on 02-11-2022 for further hearing.

Sd/-
Member/TRS

Sd/-
Chairman

Sd/-
Member/PRR