

Record of proceedings dated 07-10-2020

O.P.No.8 of 2020

In the matter of Amendment to A.P. Solar Rooftop Policy, 2018

Sri P. Shiva Rao, learned Standing Counsel representing A.P. Discoms and Sri P. Rajesh, Director of M/s. Agro Solar Pvt Ltd are present at the web hearing.

Sri P. Shiva Rao submitted that the interim stay granted by the Hon'ble High Court of AP is continuing. In view of the same, the O.P. is adjourned *sine die*, however with liberty to the petitioner to move the Commission for posting the O.P. subject to the result of the stay applications / writ petitions.

Sd/-
MEMBER / TRS

Sd/-
CHAIRMAN

Sd/-
MEMBER / PRR

O.P.No.53 of 2019

APPDCL Vs APSPDCL & APEPDCL

Petition u/s 62 of the Electricity Act, 2003 for determination of tariff for the control period FY 2019-2024 for the electricity supplied by APPDCL from SDSTPS to the Distribution Licensees in Andhra Pradesh

R.P.No.2 of 2019 in O.P.No.47 of 2018

APPDCL Vs APSPDCL & APEPDCL

Petition u/s 94 (1) (f) of the Electricity Act, 2003 praying for review of the order dated 02/03/2019 passed in O.P. 47 of 2017 for determination of tariff from 02/05/to 31/03/2019 for the electricity supplied by APPDCL from SDSTPS to the Distribution Licensees in Andhra Pradesh

RP No.1 of 2020 & I.A.No.17 of 2020 in OP No. 47 of 2017

APSPDCL & APEPDCL Vs APPDCL

Petition U/s. 94 (1)(f) of the E.A. Act, 2003 /w Regulation 8 of 2004 APERC (Conduct of Business), 1999 seeking review of the order dated 02-03-2019 passed in OP.No. 47 of 2017 for determination of Tariff from 02-05-2015 to 31-03-2019 for the electricity supplied by APPDCL from SDSTPS to the distribution licensees in AP

Application for condonation of delay in filing review petition in O.P.No.47 of 2017

Sri K. Gopal Choudary, learned counsel for the APPDCL and Sri P. Shiva Rao, learned Standing Counsel for AP Discoms are present at the web hearing.

Pleadings are complete. Both the learned counsel requested for fixing a date for hearing the O.P. along with review petitions. Accordingly call these cases on 16-12-2020.

Sd/-
MEMBER / TRS

Sd/-
CHAIRMAN

Sd/-
MEMBER / PRR

O.P.No.60 of 2019

M/s. Green Infra Wind Solutions Ltd Vs APPCC & APSPDCL

Petition under Section 86 (1) (f) of the Electricity Act, 2003 read with Power Purchase Agreement dt.18-02-2017 executed between the petitioner and respondent for recovery of outstanding amounts legally due to the petitioner

Sri Vishrov Mukharjee, learned counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the respondents are present at the web hearing.

Undertaking has been filed by the Chief General Manager / IPC / APSPDCL on 13-07-2020 undertaking to pay the admitted outstanding amount of Rs.3,18,77,768/- upto the end of May, 2020, by the end of September, 2020. At the hearing, learned counsel for both parties reported that as per the undertaking, payment has been made. As the dispute pertaining to review of PPAs is pending before a Division Bench of the Hon'ble High Court of AP, it is not possible to decide the O.P. unless the said issue is resolved. Therefore, the O.P. is adjourned to await adjudication relating to review of the PPAs. To be called in February, 2021 on a day which will be intimated to the parties in due course.

Sd/-
MEMBER / TRS

Sd/-
CHAIRMAN

Sd/-
MEMBER / PRR

O.P. No.63 of 2019

M/s. Jindal Aluminium Ltd Vs APSPDCL & 2 others

Petition under Section 86 (1) (f) of the Electricity Act 2003 R/w APERC Conduct of Business Regulation 1999 for direction to make payment amounts against the monthly bills for the period from 01-08-2018 to 31-07-2019 and the amounts deducted towards rebate from monthly power bills for the period May, 2018 to June, 2018 along with interest in terms of PPA dated 14-08-2015

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

Undertaking has been filed by the Chief General Manager / IPC / APSPDCL on 13-07-2020 undertaking to pay the admitted outstanding amount of Rs.1,51,06,833/- upto the end of May, 2020, by the end of September, 2020. At the hearing, learned counsel for both parties reported that as per the undertaking, payment has been made. As the dispute pertaining to review of PPAs is pending before a Division Bench of the Hon'ble High Court of AP, it is not possible to decide the O.P. unless the said issue is resolved. Therefore, the O.P. is adjourned to await adjudication relating to review of the PPAs. To be called in February, 2021 on a day which will be intimated to the parties in due course.

Sd/-
MEMBER / TRS

Sd/-
CHAIRMAN

Sd/-
MEMBER / PRR

O.P.No.6 of 2020

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

Petition under Section 86 (1)(f) of the Electricity Act, 2003 read with Clause (55) of APERC (Conduct of Business) Regulations seeking recovery of rebate (2.5%) deducted by DISCOMs in payment of monthly energy bills

Sri Naga Deepak, learned counsel representing Sri S. Ravi, learned counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the respondents are present at the web hearing.

Rejoinder has been filed. At the request of the learned counsel for the petitioner, call on 04-11-2020.

Sd/-
MEMBER / TRS

Sd/-
CHAIRMAN

Sd/-
MEMBER / PRR

O.P.No.76 of 2019

M/s Axis Wind Farms (Anantapur) Pvt. Ltd., M/s Axis Wind Farms (Rayalaseema) Pvt. Ltd and M/s Axis Energy Ventures India Pvt. Ltd. Vs APSLDC, APTRANSCO, APSPDCL, Energy Department, GoAP, MNRE and SRLDC

Petition filed under Section 33(4) read with Section 86(1)(e), 86(1)(f), and 86(1)(i) of the Electricity Act, 2003, seeking various declaratory and substantive reliefs in respect of the arbitrary, illegal, and wrongful curtailment of generation from each of the first and second petitioners' 105 MW Wind Power Plants

Ms. Samykya Mukku, learned counsel for the petitioners and Sri P. Shiva Rao, learned Standing Counsel for the AP Transco and AP Discoms are present at the web hearing.

Ms. Samykya Mukku requested for further time for filing rejoinder. Call on 11-11-2020.

Sd/-
MEMBER / TRS

Sd/-
CHAIRMAN

Sd/-
MEMBER / PRR

O.P.No.73 of 2019 & I.A.No.12 of 2020

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

Application filed for interim relief

Sri Sakya Singha Chaudhuri, learned counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the respondents are present at the web hearing.

Sri Sakya Singha Chaudhuri submitted that along with the additional affidavit dated 26-06-2020, the petitioner has filed an I.A. seeking amendment of the O.P. in relation to the claim of the respondents in treating the petitioner's dedicated feeder as belonging to them and levying wheeling charges on that premise. A perusal of the record shows that though the I.A. is available on file, obviously due to the office mistake, the same is not numbered. As the I.A. raises the crux of the issue, the O.P. cannot be decided unless the said issue is adjudicated. The office is accordingly directed to number the I.A. and post the same along with O.P. on 04-11-2020.

Sd/-
MEMBER / TRS

Sd/-
CHAIRMAN

Sd/-
MEMBER / PRR

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 the web hearing.

As the office report is not ready due to the illness of the officer concerned, the O.P. is adjourned to 04-11-2020. Meanwhile a copy of the report on being made ready shall be communicated to the learned counsel for both parties.

Sd/-
MEMBER / TRS

Sd/-
CHAIRMAN

Sd/-
MEMBER / PRR

O.P.No.74 of 2019 & I.A.No.27 of 2019

M/s.Azure Power India Pvt. Ltd Vs APSLDC, APTRANSCO, APEPDCL, NTPC & MNRE

Petition filed by the petitioner under Section 33(4) read with Section 86(1)(e), 86(1)(f), and 86(1)(k) of the Electricity Act, 2003, and Regulation 8 of the Andhra Pradesh Electricity Regulatory Commission (Conduct of Business) Regulations, 1999 as amended from time to time, inter alia seeking direction(s) to the Respondents to implement the MUST RUN status accorded to the Petitioner's Solar Projects in letter and spirit, refrain from illegally curtailing the solar energy generated therefrom and compensate the Petitioner for the unlawful and arbitrary curtailment of generation from the Petitioner's Solar Project

I.A.No.27 of 2019 filed by the petitioner under Regulation 16 read with Regulation 55 of the Andhra Pradesh Electricity Regulatory Commission (Conduct of Business) Regulations, 1999 as amended from time to time, inter alia seeking interim direction(s) to the Respondents to implement the MUST RUN status accorded to the Petitioner's Solar Project in letter and spirit, and to produce the documents specified in the application which are necessary for the purpose of enabling the Commission to pass orders for adjudication of the Original Petition.

O.P.No.61 of 2019 and I.A.No.20 of 2019 & I.A.No.19 of 2020

M/s. SBG Cleantech Project Co Pvt. Ltd Vs APSLDC, APTRANSCO, APEPDCL, NTPC & MNRE

Petition u/s 33 (4) read with Sections 86 (1) (e), 86 (1) (f) and 86 (1) (k) of the Electricity Act, 2003 and Regulation 8 of the APERC (Conduct of Business) Regulations, 1999 as amended from time to time, inter-alia, seeking direction(s) to the respondents to implement the MUST RUN status accorded to the petitioner's Solar Project in letter and spirit, refrain from illegally curtailing the solar energy generated therefrom, and compensate the petitioner for the unlawful and arbitrary curtailment of generation from the petitioner's Solar Project

I.A.No.20 of 2019 filed by the petitioner under Regulation 16 read with Regulation 55 of the APERC (Conduct of Business) Regulations, 1999 as amended from time to time, inter-alia, seeking interim direction(s) to the respondents to implement the MUST RUN status accorded to the petitioner's Solar Project in letter and spirit and to produce documents specified hereunder which are necessary for the purpose of enabling this Commission to pass order for adjudication of the petition filed under Section 33 (4) read with Section 86 (1) (e), 86 (1)(f) and 86 (1) (k) of the Electricity Act, 2003.

I.A.No.19 of 2020 filed in OP No. 61 of 2019 by Respondent No.1/ APSLDC Under Clause 16 (3) r/w Clause 55 of APERC Conduct (Business Regulations) 2 of 1999 for submitting additional documents (Part I & II)

Sri Aniket Prasoon, learned counsel for the petitioners in the O.Ps. and Sri P. Shiva Rao, learned Standing Counsel for the utilities/AP Discoms are present at the web hearing.

The 1st respondent / APSLDC filed I.A.No.19 of 2020 in O.P.No.61 of 2019 for receiving additional documents to be treated as common in O.P.No.61 of 2019 and O.P.No.74 of 2019. The petitioner has filed counter, seriously objecting to this application. However, considering that claim for huge compensation has been made by the petitioners, the Commission feels it just and necessary to give fullest opportunity to the respondents to plead their case based on the available documentary evidence. Therefore, in the interests of justice, this application is allowed, however, subject to the relevancy of the documents permitted to be filed by the respondents. The petitioners are however entitled to raise all the legally permissible contentions with reference to the contents of the documents filed by the respondents.

O.P.No.61 of 2019 & O.P.No.74 of 2019

At the request of Sri Aniket Prasoon, call on 11-11-2020.

Sd/-
MEMBER / TRS

Sd/-
CHAIRMAN

Sd/-
MEMBER / PRR

O.P.No.31 of 2020
APPDCL Vs. APSPDCL & APEPDCL

Petition u/s 86 (1) (f) r/w Section 62 for resolving the issues in the matter of operational parameters and variable cost for sub-critical and super-critical operation for procurement of power from 2 x 800 MW Sri Damodaram Sanjeevaiah Thermal Power Station (SDSTPS)

Sri K. Gopal Choudary, learned counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the utilities are present at the web hearing.

On a further request by the learned Standing Counsel for the respondents, time for filing counter is extended. Call on 04-11-2020.

Sd/-
MEMBER / TRS

Sd/-
CHAIRMAN

Sd/-
MEMBER / PRR