

Record of proceedings dated 09-06-2020

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 and Sri M. Venugopala Rao, learned objector are present at the web hearing.

Objections from various quarters have been received. Both Discoms have filed their replies. Sri M. Venugopala Rao, one of the objectors requested for time for making written submissions with reference to the replies submitted by the Discoms. Sri P. Shiva Rao also requested for time for making his submissions. Call on 08-07-2020.

Sd/-
MEMBER / TRS

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CHAIRMAN

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MEMBER / PRR

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 and Sri M. Venugopala Rao, learned objector are present at the web hearing.

Call along with O.P.No.50 of 2019 on 08-07-2020.

Sd/-
MEMBER / TRS

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CHAIRMAN

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MEMBER / PRR

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 and Sri M. Venugopala Rao, learned objector are present at the web hearing.

Call along with O.P.No.50 of 2019 on 08-07-2020.

Sd/-
MEMBER / TRS

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CHAIRMAN

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MEMBER / PRR

I.A.No.26 of 2019 in O.P.Nos.60 & 61 of 2017
APSPDCL & APEPDCL

Petition filed by APDISCOMs for determination of true-up for Retail Supply Business for FY2018-19 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 and Sri M. Venugopala Rao, learned objector are present at the web hearing.

Call along with O.P.No.50 of 2019 on 08-07-2020.

Sd/-
MEMBER / TRS

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CHAIRMAN

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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

It has been brought to the notice of the Commission that M/s. Brahmayya & Company returned the file without submitting its report for certain reasons. Sri K. Gopal Choudary, learned counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the respondent who are present at the web hearing submitted that they have not been communicated with the auditor's letter. Office is directed to furnish copies of letter of the auditor to the learned counsel for both parties through e-mail. Call on 30-06-2020.

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CHAIRMAN

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MEMBER / PRR

I.A.No.27 of 2019 in O.P. No. 74 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 there from 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.

Sri Aniket Prasoon, learned counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the respondents 1 to 3 are present at the web hearing.

Pleadings are complete. Sri Aniket Prasoon, learned counsel for the petitioner submitted that the cases pending before the High Court are different from the present O.Ps, as they are covered by separate connections from different feeders and that therefore adjudication of the O.Ps., need not await the outcome of the cases pending before the High Court. This submission is not disputed by Sri P. Shiva Rao, learned Standing Counsel for the utilities. We, therefore, accept the request of the counsel to hear the O.Ps., on their merits. At their request, call on 14-07-2020 for hearing.

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CHAIRMAN

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MEMBER / PRR

I.A.No.20 of 2019 in O.P.No.61 of 2019
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 mended 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.

Sri Aniket Prasoon, learned counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the respondents 1 to 3 are present at the web hearing.

Call along with I.A.No.27 of 2019 in O.P.No.74 of 2019 on 14-07-2020.

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CHAIRMAN

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MEMBER / PRR

O.P. No. 14 of 2020
M/s. Vish Wind Infrastructure LLP Vs. APTRANSCO & 2 others

Petition filed under Section 86 (1) (b), 86 (1) (e) & 86 (1) (f) of the Electricity Act, seeking specific performance of their three power purchase agreements dated 11-10-2012 and for a direction against the respondents to make payments of the outstanding amounts

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

Sri Sajjan Poovayya, learned Senior Counsel for the petitioner submitted that counter affidavits have not been served on the petitioner's side. Sri P. Shiva Rao shall ensure that counter affidavits reach the petitioner forthwith. It is submitted that the subject matter is similar to O.P.No.1 of 2020. Hence call these cases along with O.P.No.1 of 2020 on 12-06-2020.

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CHAIRMAN

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MEMBER / PRR

O.P.No.15 of 2020
M/s. Vish Wind Infrastructure LLP Vs. APTRANSCO & 2 others

Petition under Section 86 (1) (b), 86 (1) (e) & 86 (1) (f) of the Electricity Act, 2003 seeking specific performance of their power purchase agreements dated 30-10-2010 & 17-11-2011 and for a direction against the respondents to make payments of the outstanding amounts

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

Call on 12-06-2020 along with O.P.No.1 of 2020.

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CHAIRMAN

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MEMBER / PRR

I.A Nos. 7, 8 & 9 of 2020 in 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

IA No. 18 of 2019 filed for interim directions in the main petition

IA.Nos.7, 8 & 9 of 2020 filed by M/s. Saipuram Wind Energies & 2 others; M/s. Axis Wind Farms (Anantapur) Pvt Ltd & another and M/s. Tata Power Renewable Energy Ltd for impleading the respective parties for effective adjudication of the petition

Sri Sanjay Sen, learned counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the respondents, Sri Jafar Alam, learned counsel for the implead petitioner in I.A. No. 8 of 2020 and Ms. Molshree Bhatnagar, learned counsel for the implead petitioner in I.A. No. 9 of 2020 are present at the web hearing.

I have heard Sri Sanjay Sen, learned Senior Counsel for the petitioner in O.P.No.54 of 2019 and also Sri P. Shiva Rao, learned Standing Counsel for the public utilities / SLDC.

During the hearing, it has come out that after repairing of ICTs 3 and 4 at Uravakonda substation, the respondents have applied N-1 criterion in evacuation of power from the petitioner. Sri P. Shiva Rao sought to justify this act based on certain material which is not placed before the Commission. In view of this fact, he requested for an adjournment for filing affidavit of a responsible officer along with relevant material. He requested for two weeks' time for this purpose. While filing the material, the learned Standing Counsel shall ensure that the learned counsel appearing in the O.Ps. and I.As. are served with the copies of affidavit and material. The petitioners in O.P. and I.As. are permitted to file their responses to the proposed affidavit within one week thereafter. Call the O.P. along with I.As. on 14-07-2020.

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MEMBER / TRS

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CHAIRMAN

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MEMBER / PRR

O.P. No.73 of 2019
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

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 P. Shiva Rao requested for further time for filing counter affidavit. Sri Sakya Singha Chaudhuri submitted that I.A. is filed seeking directions for entertaining the application for open access. The office shall number and post the I.A. on 30-06-2020.

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CHAIRMAN

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