

Record of Proceedings Dated 10-01-2024

OP No. 84 of 2023

M/s.Espar Pak Private Limited Vs. APSPDCL APCPDCL

(Petition filed under Section 42, 86(1)(e) read with Section 86(1)(f) of the Electricity Act, 2003 seeking adjudication of disputes that have arisen between the Petitioner and Respondents and issuance of appropriate directions to the respondents to reimburse Rs.15,14,523/-, being the excess amounts levied towards differential wheeling charges, in violation of Tariff Orders for the period 2019-2024, for the period from April 2019 to June, 2023.

None appeared for the Petitioner. Sri G.V.Brahmananda Rao, counsel representing Sri P.Shiva Rao, learned Standing Counsel for the respondents, is present at the hearing.

Sri G.V.Brahmananda Rao requested time for filing counter. Four weeks' time is, accordingly, granted.

Call on 21-2-2024.

Sd/-
MEMBER/PVRR

Sd/-
CHAIRMAN

Sd/-
MEMBER/TRS

OP No. 18 of 2022

M/s.Vayu Urja Bharat Pvt Ltd., Vs. APSPDCL

OP No. 113 of 2021

M/s Vayu (India) Power Corporation Ltd Vs. APTRANSCO, APPCC & APSPDCL

OP No. 1 of 2022

M/s. Greenko Uravakonda Wind Power Pvt. Ltd., Vs. APSPDCL

OP No. 2 of 2022

M/s Greenko Anantapur Wind Power Pvt. Ltd., Vs. APSPDCL

OP No. 3 of 2022

M/s New Era Enviro Venture (Mahabubnagar) Pvt. Ltd., Vs. APSPDCL

OP No. 4 of 2022

M/s Aeolus Wind Parks Pvt. Ltd. Vs. APSPDCL & APPCC

OP No. 5 of 2022

M/s Danu Wind Parks Private Limited Vs. APSPDCL & APPCC

OP No. 6 of 2022

M/s Danu Wind Parks Private Limited Vs. APSPDCL & APPCC
OP No. 7 of 2022

M/s Dindore Wind Parks Private Limited Vs. APSPDCL & APPCC
OP No. 8 of 2022

M/s Fujin Wind Parks Private Limited Vs. APSPDCL & APPCC
OP No. 12 of 2022

M/s Palnadu Solar Power Pvt Ltd., Vs. APCPDCL & APPCC
OP No. 22 of 2022

M/s Vayu Urja Bharat Pvt Ltd., Vs. APSPDCL
OP No. 89 of 2021

M/s. Mytrah Vayu (Pennar) Private Limited Vs. APSPDCL & APPCC
OP No. 64 of 2021

M/s. Khandke Wind Energy Pvt Ltd Vs. APSPDCL
OP No. 30 of 2020

M/s. Tadas Wind Energy Pvt. Ltd Vs. APSPDCL
OP No. 93 of 2021

M/s Axis Wind farms (MPR Dam) Vs. APSPDCL
OP No. 94 of 2021

M/s Saipuram Wind Energies Pvt Ltd. Vs. APSPDCL
OP No. 95 of 2021

M/s JED Solar Parks Pvt. Ltd., Vs. APSPDCL
OP No. 96 of 2021

M/s Skeiron Renewable Energy Amidyala Ltd., Vs. APSPDCL
OP No. 97 of 2021

M/s Animala Wind Power Pvt Ltd., Vs. APSPDCL
OP No. 98 of 2021

M/s Poly Solar Parks Pvt. Ltd. Vs. APSPDCL
OP No. 99 of 2021

M/s Vayuputhra Energy Pvt Ltd., Vs. APSPDCL
OP No. 100 of 2021

M/s Sandla Wind Project Pvt. Ltd., Vs. APSPDCL
OP No. 101 of 2021

M/s Guttaseema Wind Energy Company Pvt Ltd., Vs. APSPDCL

(All these Petitions are filed under Section 86(1)(e) and (f) of the Electricity Act, 2003, read with Clause-8/Clause 55 of the Andhra Pradesh Electricity Regulatory Commission (Conduct of Business) Regulations, 1999 (as Amended), and also read with the relevant Articles of the respective Power Purchase Agreements (PPAs) entered into between the petitioners and APSPDCL-DISCOM, seeking directions to the latter for expeditiously releasing the amounts due and payable to the Petitioners under the respective PPAs towards Late Payment Surcharge (LPS))

Sri Aniket Prasoon, learned counsel for the petitioners in OP Nos.18 and 22 of 2022 and also representing Sri Kailash Nath P.S.S, learned counsel for the petitioner in OP No.113 of 2021; Sri V Akshaya Babu, learned counsel for the petitioners in OP Nos.1,2 & 3 of 2022, 93 to 101 of 2021, and also representing Sri Dipan Bhuptani, learned counsel for the petitioners in OP Nos.30 of 2020 and 64 of 2021; Sri Challa Gunaranjan, counsel representing Sri Deepak Chowdary, learned counsel for the Petitioner in OP Nos.12 of 2022 and 89 of 2021; none having appeared for the petitioners in OP Nos.4,5,6,7 and 8 of 2022; and Sri G.V.Brahmananda Rao, counsel representing Sri P.Shiva Rao, learned Standing Counsel for the respondents, are present at the hearing.

Sri G.V.Brahmananda Rao submitted that Sri P. Shiva Rao is bereaved and, therefore, he is not able to attend today's hearing.

Sri Aniket Prasoon, Sri V Akshaya Babu and Sri Challa Gunaranjan, learned counsel for some of the petitioners, submitted that a meeting was held on 04-01-2024 with the representatives of the respondents; and that, in the said meeting, they were asked to submit their proposals, in writing, as regards the waiver of LPS. All the learned counsel submitted that the negotiations are inconclusive.

In our order dated 29-11-2023, while adjourning the cases to enable the parties to arrive at a negotiated settlement, we have made it clear that if settlement is not reported today, the respondents shall proceed with the cases without seeking any further adjournment. In the ordinary course, we would not have adjourned the cases. However, in view of the bereavement in the family of Sri P.Shiva Rao, learned Standing Counsel for the respondents, we are left with no option other than to adjourn the cases.

During the hearing, the Commission has suggested to the learned counsel for the petitioners to impress upon their clients to agree for waiver of reasonable percentage of LPS, so that the respondents will be directed to make payment of the LPS amounts payable, after such waiver, within the specific timelines to which the learned counsel for the petitioners have fairly agreed.

Call on 21-02-2024.

Sd/-
MEMBER/PVRR

Sd/-
CHAIRMAN

Sd/-
MEMBER/TRS