

Record of proceedings dated 10-03-2020

O.P.No.2 of 2020

Public hearing on the Amendments to implementation of the Regulation No. 4 of 2017 -
APERC Forecasting Scheduling and Deviation Settlement of Solar and Wind Generation
Regulation 2017

Sri P. Shiva Rao, learned Standing Counsel for the utilities, Sri S.V. Narayana representing (i) Aarohi Solar Pvt Ltd, & (ii) ACME Solar Holdings Ltd., Ms. Mazag Andrabi, learned counsel for (i) Indian Wind Power Association, (ii) Sterling Agro Industries Ltd., & (iii) Renew Power Private Limited, Sri Anurag Dhyani representing RE Connect Energy Solutions Ltd., Sri K. Mahesh Kumar, Senior Manager representing Mytrah Energy (India) Pvt. Ltd., Sri S. Satish Kumar representing Vena Energy Power Resources Pvt Ltd., Sri Amit Gupta representing Statkrat, Ms. Salonia representing Council on Energy, Environment and Water (CEEW), Cdr. Manan Sinha (Retd.) representing Manikaran Analytics Ltd., Sri D. Srinivasa Rao representing Vettar Green Energy and Sri M. Venugopala Rao, learned objectors are present.

Learned counsel for Axis Wind Farms (MPR Dam) Pvt Ltd has filed a memo stating that Interlocutory Applications filed before the Hon'ble High Court of Andhra Pradesh seeking stay of proceedings before this Commission have been heard and judgment is reserved. As there is no stay of proceedings before this Commission, we have decided to proceed with the hearing and accordingly we have heard the learned objectors and the learned Standing Counsel for the public utilities.

Ms. Mazag Andrabi, learned counsel for (i) Indian Wind Power Association, (ii) Sterling Agro Industries Ltd., & (iii) Renew Power Private Limited, Sri Amit Gupta representing Statkrat, Sri K. Mahesh Kumar, Senior Manager representing Mytrah Energy (India) Pvt. Ltd., Ms. Salonia representing Council on Energy, Environment and Water (CEEW), Cdr. Manan Sinha (Retd.) representing Manikaran Analytics Ltd., Sri M. Venugopala Rao, learned objectors have made their oral submissions. Sri M. Venugopala Rao, one of the objectors during his oral submissions stated that since the objections have not been uploaded, he did not have the opportunity of submitting written views. Sri P. Shiva Rao, learned Standing Counsel for the power utilities, while stating that the justification for amendment of regulation has already been shown in the filings of the utilities he submitted and that after going

through the objections filed by the objectors, he will file the written comments of the utilities. The office is directed to upload all the objections in the Commission's website to facilitate Sri M. Venugopala Rao and Sri P. Shiva Rao to submit their written comments. Once written comments are received, the office shall upload the same also, so that the developers / objectors may submit their written replies to the Commission. Oral hearings are concluded and the case is adjourned by one month to enable the parties referred to above to file their respective written objections / comments, call on 21-04-2020.

Sd/-
MEMBER / TRS

Sd/-
CHAIRMAN

Sd/-
MEMBER / PRR

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 R. Shiva Kumar representing FAPCCI, learned objectors are present.

Sri P. Shiva Rao, learned Standing Counsel for the utilities submitted that the utilities are in the midst of preparation of written replies to the objections filed by Sri M. Venugopala Rao, learned objector and that he requires some more time for filing written replies. Accordingly call on 31-03-2020.

Sd/-
MEMBER / TRS

Sd/-
CHAIRMAN

Sd/-
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, Sri M. Venugopala Rao and Sri R. Shiva Kumar representing FAPCCI, learned objectors are present.

Call along with O.P.No.50 of 2019.

Sd/-
MEMBER / TRS

Sd/-
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, Sri M. Venugopala Rao and Sri R. Shiva Kumar representing FAPCCI, learned objectors are present.

Call along with O.P.No.50 of 2019.

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, Sri M. Venugopala Rao and Sri R. Shiva Kumar representing FAPCCI, learned objectors are present.

Call along with O.P.No.50 of 2019.

Sd/-
MEMBER / TRS

Sd/-
CHAIRMAN

Sd/-
MEMBER / PRR

O.P.No.3 of 2020
In the matter of Amendment to APERC (Terms & Conditions of Open Access) Regulation, 2005 (Regulation No. 2 of 2005)

Sri P. Shiva Rao, learned Standing Counsel for the utilities, Sri C.V. Mohan Reddy, learned Senior Counsel representing A.P. Textile Mills Association, Sri Abimanyu Lavu, Managing Partner, Odysseus Logos LLP, Sri M. Venugopala Rao, Sri Pavan Chandra, Vice President, Artia Wind Power Pvt. Ltd., Sri P. Koti Rao representing A.P. Chambers of Commerce &

Industry Federation and Sri R. Shiva Kumar representing A.P. Textile Mills Association, learned objectors are present.

Sri C.V. Mohan Reddy, learned Senior Counsel representing A.P. Textile Mills Association submitted that in their objections and additional objections, they sought the following information / documents:

- “1) GO Ms.No.35, Energy (Power.II) Department, dated 18.11.2019 states that statutory audit has reported abnormal spurt in power purchase cost and deteriorated the financial position of APDISCOMs, which compelled the Government to amend Solar and Wind Policies. Please furnish a copy of the said statutory audit report and copies of all the documents/records/statistics relied on therein.
- 2) ‘Introduction’ of the Draft Regulation refers to representations submitted by APEPDCL and APSPDCL. Please furnish copies of the said representations along with copies of all the documents/records/statistics relied on therein.
- 3) Please clarify if APERC has relied on any other documents/records/statistics, apart from GO Ms.No.35 dated 18.11.2019 and the representations submitted by APEPDCL and APSPDCL, for the purpose of carrying out amendments to Para 17.1? If yes, please furnish copies of all the said documents/records/statistics.
- 4) Please clarify if the Board of APSPDCL/APEPDCL took any decision or passed any resolutions regarding the incentives provided under Para 17.1 to open access users or the alleged financial loss suffered by APSPDCL/APEPDCL as a result of providing the said incentives? If yes, please furnish copies of all the said decisions/resolutions.
- 5) Please clarify if APSPDCL/APEPDCL corresponded with the Government including the Department of Finance or any other Agency/Organization regarding the financial loss suffered by APSPDCL/APEPDCL as a result of

providing incentives under Para 17.1 to open access users? If yes, please furnish copies of all the said correspondences/documents”.

As regards the information sought in 1, 2, 4 and 5 supra, the two distribution companies are directed to furnish relevant information within the parameters of Right to Information Act, 2005 to the learned objector within one (1) week from the date of their approaching the former. With regard to No.3 supra, learned Senior Counsel submitted that he is not pressing for the same. The Original Petition is adjourned for further hearing to 07-04-2020.

Sd/-
MEMBER / TRS

Sd/-
CHAIRMAN

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MEMBER / PRR

O.P.No.46 of 2019
M/s. Nava Bharat Ventures Ltd Vs APEPDCL & Dy. CCA (PSS), APPCC

Petition under Section 86 (1) (f) of Electricity Act, 2003 challenging the unilateral re-categorization of the petitioner's category falling under HT (I) in terms of Article 2.5 of PPA dt.06-05-2006 to HT (II) (F) despite exercising option to continue under existing category and adjustment and/or withholding of the charges levied on import of power for the FY 2018-19, computed as per HT (II) (F) tariff without any intimation of the same

O.P.No.48 of 2019
M/s EID-Parry (India) Ltd Vs APEPDCL & APPCC

Petition under Section 86 (1) (f) of Electricity Act, 2003 challenging the unilateral re-categorization of the petitioner's category falling under HT (I) in terms of Article 2.5 of PPA dt.14-08-2001 to HT (II) (F) despite exercising option to continue under existing category and adjustment and/or withholding of the charges levied on import of power for the FY 2018-19, computed as per HT (II) (F) tariff without any intimation of the same

O.P.No.49 of 2019
M/s. K.C.P. Sugars & Industries Corporation Limited Vs APSPDCL & APPCC

Petition under Section 86(1)(f) of Electricity Act, 2003 challenging the unilateral re-categorization of the petitioner's category falling under HT (I) in terms of Article 2.5 of PPA dt.21-01-2003 to HT (II)(F) despite exercising option to continue under existing category and adjustment and/or withholding of the charges levied on import of power for the FY2018-19, computed as per HT (II)(F) tariff without any intimation of the same

O.P.No.51 of 2019
M/s. SNJ Sugars and Products Ltd. (Formerly Known as Sagar Sugars & Allied Products Ltd) Vs APSPDCL & APPCC

Petition under Section 86(1) (f) of Electricity Act, 2003 r/w. APERC (Conduct of Business) Regulation, 1999 challenging the unilateral re-categorization of the petitioner's category from HT (I) to HT (II) (F) contrary to Cause 2.5 of PPA dated 10-07-2002 even after availing their option not to change the category, adjustment to the charges computed as per HT (II) (F) tariff without any intimation of the same

O.P.No.45 of 2019
South Indian Sugar Mills Association (SISMA) & 3 others Vs APSPDCL; APEPDCL &
APPC

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 Challa Gunaranjan, learned counsel for the petitioners and Sri P. Shiva Rao, learned Standing Counsel for the respondents are present.

Heard. Orders reserved.

Sd/-
MEMBER / TRS

Sd/-
CHAIRMAN

Sd/-
MEMBER / PRR

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 M. Abhinay Reddy, learned counsel representing Sri P. Vikram, learned counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the respondents are present.

Counter Affidavit is filed by Respondent No.4. Learned counsel for the petitioner requested for time for filing rejoinder. Call on 21-04-2020

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MEMBER / TRS

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CHAIRMAN

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MEMBER / PRR