

RECORD OF PROCEEDINGS DATED 10-08-2022

OP No. 21 of 2022

M/s.Vibrant Greentech India Pvt Ltd Vs. APSPDCL

Petition under Sections 86(1) (a), 86 (1)(b), 86 (1) (e) of the Electricity Act, 2003 read with APERC (Conduct of Business) Regulation, 1999 seeking approval of tariff of at least Rs. 3.43/- per unit for sale of wind power by the petitioner's 5.1 MW Wind Power Plant to the respondent herein for the PPA dt. 18-06-2011 for the balance tenure from 11th to 20th year of operation in terms of the order dt.01-05-2009 passed by this Commission in OP Nos. 6 and 7 of 2009.

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

Sri Deepak Chowdary submitted that publication has been carried out and that proof of publication will be filed today.

Call on 28-9-2022 for hearing.

Sd/-
MEMBER/TRS

Sd/-
CHAIRMAN

Sd/-
MEMBER/PRR

OP No. 39 of 2022

**M/s. Danu Wind Parks Pvt. Ltd., Vs. (i) CMD / APSPDCL (ii) APPCC (iii)
CGM/P&MM&IPC/ APSPDCL(iv) Chairman / APPCC/ APTRANSCO**

Petition filed u/s 86(1)(f) and (e) of the Act, Regulation 8 of the APERC (Conduct of Business) Regulations, 1999, as amended, read with Article 5 of the PPA dated 17-07-2017 entered into between the petitioner and APSPDCL, seeking directions to APSPDCL for expeditiously releasing the payments of the amounts due and payable to the petitioner by APSPDCL under the PPA

Sri S. Vivek Chandrasekhar, learned counsel for the petitioner; and Sri P.Shiva Rao, learned Standing counsel for the respondents, are present.

Counter is filed on behalf of the respondents.

At the request of Sri S. Vivek Chandrasekhar, learned counsel for the petitioner, three weeks' time for filing rejoinder is granted.

Call on 21-9-2022.

Sd/-
MEMBER/TRS

Sd/-
CHAIRMAN

Sd/-
MEMBER/PRR

IA No. 1 of 2022 in OP No. 20 of 2020
M/s. Chaitanya Projects Vs. (i) CMD / APSPDCL (ii) CGM/P&MM&IPC/ APSPDCL
(iii) Chairman / APPCC/ APTRANSCO

IA filed in OP No. 20 of 2020 under section 142 of Electricity Act, 2003 r/w clause 55 of the APERC (Conduct of Business) Regulations, 1999 for punishment to APSPDCL for non-compliance of direction to pay compensation awarded in the order dated 05-07-2021 passed by the Hon'ble Commission

Sri Mohd. Mukhairuddin, 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 for the respondents, submitted that so far the respondents could not secure an interim order. He has undertaken that the respondents will positively make payment as per the order of this Commission within two weeks from today. Accordingly, he requested two weeks' time for reporting payment. The request of the learned Standing Counsel is accepted.

Call on 24-8-2022 for reporting payment.

Sd/-
MEMBER/TRS

Sd/-
CHAIRMAN

Sd/-
MEMBER/PRR

OP No. 3 of 2022 & IA No 1 of 2022
New Era Enviro Venture (Mahabubnagar) Pvt. Ltd. Vs. APSPDCL

Petition under Section 86 (1) (e) & (f) of the Electricity Act, 2003 R/w. Regulation 55 of the APERC (Conduct of Business) Regulations, 1999 seeking directions to the Respondent among other things for payment of the outstanding dues and Late Payment Interest.

IA No. 1 of 2022 - Petitioner also filed an application under Section 94 (1) (2) of the Electricity Act, 2003 R/w. Regulation 55 of the APERC (Conduct of Business) Regulations, 1999 seeking a direction to the Respondent to release at least 50% of the total outstanding amount.

Sri V.Akshaya Babu, learned counsel for the petitioner; and Sri P.Shiva Rao, learned Standing counsel for the respondent, are present at the hearing.

Sri V.Akshaya Babu, learned counsel for the petitioner, submitted that as against the sum of Rs.23.44 crores directed to be paid by order of this Commission on 16-3-2022, the respondent has paid a sum of Rs.7.00 crores, purporting to invoke the Rules framed by the Ministry of Power, Government of India, vide Gazette GSR No.416(E) dated 3-6-2022. The learned counsel submitted that, for various reasons, the said Rules are not applicable to the present case.

Sri P.Shiva Rao, learned Standing counsel for the respondent, fairly submitted that invocation of the said Rules are in a different context and the respondent is bound to comply with the order of this Commission. He has assured that the respondent will pay the balance amount, payable as per the order of this Commission, by 15-10-2022.

In the light of the above, the OP is adjourned, for reporting payment, as assured by the learned Standing Counsel.

Call on 26-10-2022 for reporting payment.

Sd/-
MEMBER/TRS

Sd/-
CHAIRMAN

Sd/-
MEMBER/PRR

OP No. 64 of 2021

M/s. Khandke Wind Energy Pvt Ltd Vs. APSPDCL

Petition u/s 86 (1) (e) and Section 86 (1) (f) of the Electricity Act, 2003 r/w Article 10 of the Power Purchase Agreements filed on behalf of M/s. Khandke Wind Energy Pvt Ltd for immediate strict compliance by APSPDCL with the provisions of the various Power Purchase Agreements entered into between the parties and for release of amount due

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

Sri Sakya Singha Chaudhuri, learned counsel for the petitioner, submitted that as against the sum of Rs.32.79 crores required to be paid by order of this Commission on 16-3-2022, the respondent has paid a sum of Rs.9.60 crores, purporting to invoke the Rules framed by the Ministry of Power, Government of India, vide Gazette GSR No.416(E) dated 3-6-2022. The learned counsel submitted that, for various reasons, the said Rules are not applicable to the present case.

Sri P.Shiva Rao, learned Standing counsel for the respondent, fairly submitted that invocation of the said Rules are in a different context and the respondent is bound to comply with the order of this Commission. He has assured that the respondent will pay the balance amount, payable as per the order of this Commission, by 15-10-2022.

In the light of the above, the OP is adjourned for reporting payment as assured by the learned Standing Counsel.

Call on 26-10-2022 for reporting payment.

Sd/-
MEMBER/TRS

Sd/-
CHAIRMAN

Sd/-
MEMBER/PRR

Revision Petition No. 1 of 2022

Sri. Mahaveer Kumar & three others vs. District Collector, Guntur Collectorate & four others

Revision Petition under Rule 13(2) of the Andhra Pradesh Works of Licensee Rules 2007.

Sri M.Muralikrishna, learned counsel for the petitioners; and Sri P.Shiva Rao, learned Standing counsel for the respondents, are present at the hearing.

Learned counsel for the petitioners requested further time for filing rejoinder.

Call on 21-9-2022.

Sd/-
MEMBER/TRS

Sd/-
CHAIRMAN

Sd/-
MEMBER/PRR

O.P.No. 40 of 2020

Victory Power Systems Pvt Ltd Vs. APSPDCL

Petition u/s 86 (1) (f) r/w Sections 86 (1) (b) and 86 (1) (e) of the Electricity Act, 2003 for adjudication of the dispute relating to the purchase of mini hydel power by APSPDCL from Victory Power Systems Pvt Ltd in terms of the PPA dt.16-02-2019 and for approval thereof.

Sri K.Gopal Chowdary, learned counsel representing Sri Challa Gunaranjan, learned counsel for the petitioner; and Sri P.Shiva Rao, learned Standing counsel for the respondent; Sri P.Venugopala Rao, the learned Objector, are present at the hearing.

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

Sd/-
MEMBER/TRS

Sd/-
CHAIRMAN

Sd/-
MEMBER/PRR

RP No. 3 of 2020

in Lr.No.APERC/JD(PPP)/DD(P&PP)/F.No.E-938/D.No.451/ 18, Dt:30.05.2018

APSPDCL & APEPDCL Vs. Khandaleru Power Company Ltd , Victory Power Systems Pvt Ltd , Raji Power Pvt Ltd

Review Petition under Section 94(1)(f) of Electricity Act 2003 , Regulation 49 & 59 of APERC (Conduct of Business) Regulations, 1999 seeking review of the directions of this Hon'ble Commission vide Lr.No.APERC/JD(PPP)/DD(P&PP)/F.No.E-938/D.No.451/ 18, Dt:30.05.2018 in principle approval accorded for procurement of power from Mini Hydel Projects

Sri P.Shiva Rao, learned Standing counsel for the revision petitioners; Sri K.Gopal Chowdary, learned counsel representing Sri Challa Gunaranjan, learned counsel for respondents; and Sri P.Venugopala Rao, the learned Objector, are present at the hearing.

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

Sd/-
MEMBER/TRS

Sd/-
CHAIRMAN

Sd/-
MEMBER/PRR

OP No. 22 of 2022

Vayu Urja Bharat Pvt Ltd., Vs. APSPDCL

Petition under section 86(1)(f) of the Electricity Act, 2003 read with applicable provisions of the Power Purchase Agreement dated 28-07-2016 and this Hon'ble Commission's Judgment dated 31-08-2019 in OP No. 35 of 2019, inter alia seeking direction to the Respondent for payment of the outstanding late payment surcharge accrued pursuant to the consistent delayed payment of the invoices from March, 2107 till October 2020

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 Pvt Ltd Vs. APSPDCL & APPCC

OP No. 6 of 2022

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

OP No. 7 of 2022

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

OP No. 8 of 2022

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

Petitions under Sections 86(1)(f) and (e) of the Act, Regulation 8 of the Andhra Pradesh Electricity Regulatory Commission (Conduct of Business) Regulations, 1999 seeking directions to APSPDCL for payment of outstanding amounts and Late Payment Surcharges.

Sri Aniket Prasoon and Sri S.Vivek Chandrasekhar, learned counsel for the petitioners; the learned Advocate General and Sri P.Shiva Rao, learned Standing counsel for the respondents, are present at the hearing.

We have heard the learned Advocate General for the State of Andhra Pradesh and Sri Aniket Prasoon for the respective parties.

After making some submissions, the learned Advocate General has hinted that the DISCOMs intend to have negotiations with the developers on the outstanding dues, including the LPS.

In the light of the same, we feel it appropriate to defer the hearing regarding the LPS for a reasonable time to enable both the parties to negotiate and, if possible, to settle the disputes out of Court.

Call on 26-10-2022.

Sd/-
MEMBER/TRS

Sd/-
CHAIRMAN

Sd/-
MEMBER/PRR

OP No. 66 of 2021 & IA No. 1 of 2021

M/s. ZR Renewable Energy Pvt Ltd Vs. APSPDCL & APTRANSCO

Petition u/s 86 (1) (f) of the Electricity Act, 2003 for adjudication of dispute in relation to payment of tariff for electricity units generated and delivered by the petitioner from its 16 MW Wind Power Plant situated in Tadipatri Mandal, Ananthapur District, A.P., and for directions to the Respondents to issue letter of Credit as per Clause 5.4 of the PPA and for appropriate directions for related, incidental and consequential reliefs.

Application filed u/s 94 (2) of the Electricity Act, 2003 r/w Clause 55 of the (Conduct of Business) Regulations

Sri D.Narendar Naik, learned counsel for the petitioner; and Sri P.Shiva Rao, learned Standing counsel for the respondent, are present at the hearing.

Heard both sides.

Orders reserved.

Sd/-
MEMBER/TRS

Sd/-
CHAIRMAN

Sd/-
MEMBER/PRR

OP No. 85 of 2021

M/s. Beta Wind farm Pvt Ltd Vs. APSPDCL

Petition u/s 86 (1) (f), 86 (1) (b) and other applicable provisions of the Electricity Act, 2003 seeking adjudication of disputes in relation to the short payment of tariff by the respondent - licensee

Ms.Harini Subramani, learned counsel representing Sri Anand K.Ganesan, learned counsel for the petitioner; and Sri P.Shiva Rao, learned Standing counsel for the respondents, are present at the hearing.

Heard both sides.

Orders reserved.

Sd/-
MEMBER/TRS

Sd/-
CHAIRMAN

Sd/-
MEMBER/PRR