

Record of Proceedings Dated 12-07-2023

OP No.1 of 2019 & Batch

OP No. 1 of 2019 M/s Axis Wind Farms (Uravakonda) Pvt. Ltd.
OP No. 2 of 2019 M/s Axis Wind Farms (Ahobilam) Pvt. Ltd.
OP No. 3 of 2019 M/s Axis Wind Farms (Vajrakarur) Pvt. Ltd.
OP No. 4 of 2019 M/s Axis Wind Farms (Pottipadu) Pvt. Ltd.
OP No. 5 of 2019 M/s Axis Wind Farms (Beluguppa) Pvt. Ltd.
OP No. 6 of 2019 M/s Axis Wind Farms (Penna) Pvt. Ltd.
OP No. 7 of 2019 M/s Axis Wind Farms (Manirevu) Pvt. Ltd.
OP No. 8 of 2019 M/s Axis Wind Farms (AP) Pvt. Ltd..
OP No. 9 of 2019 M/s Axis Wind Farms (Amidyala) Pvt. Ltd.
OP No. 10 of 2019 M/s Axis Wind Farms (Godavari) Pvt. Ltd.
OP No. 11 of 2019 M/s Axis Wind Farms (Kalyandurg) Pvt. Ltd.
OP No. 12 of 2019 M/s Axis Wind Farms (Raketla) Pvt. Ltd.
OP No. 13 of 2019 M/s Axis Wind Farms (Borampalli) Pvt. Ltd.
OP No. 14 of 2019 M/s Axis Wind Farms (Seerpi) Pvt. Ltd.
OP No. 15 of 2019 M/s Axis Wind Farms (Golla) Pvt. Ltd.
OP No. 16 of 2019 M/s Axis Wind Farms (Chapri) Pvt. Ltd.
OP No. 22 of 2019 M/s SV Renewable Energy
OP No. 23 of 2019 M/s Axis Wind Farms (Krishna) Pvt. Ltd.,
OP No. 24 of 2019 M/s Axis Wind Farms (Tungabhadra) Pvt. Ltd.,
OP No. 25 of 2019 M/s Pujaa Shree Renewable Energy Won Pvt. Ltd.
OP No. 26 of 2019 M/s G T Renewable Energy

Vs.

APSPDCL

(Petitions filed under Sections 61(h), 62(1)(a), 64(1), 86(1)(a), 86(1)(b) and 86 (1)(e) of the Electricity Act, 2003 r/w CERC (Terms and Conditions for Tariff Determination from Renewable Energy Sources) Regulations, 2017 and Section 21 of the A.P. Electricity Reform Act, 1998)

Sri Deepak Chowdhary, learned counsel for the Petitioners; and Sri P.Shiva Rao, learned Standing Counsel for the Respondent, are present at the hearing.

Sri P.Shiva Rao submitted that on 04-5-2019 counter-affidavit was filed; and that, however, as long time has elapsed since then, the respondent would like to file an additional counter-affidavit. He, accordingly, requested two weeks' time for the said purpose.

Time is, accordingly, granted. Call on 02-8-2023.

Sd/-
MEMBER/PVRR

Sd/-
CHAIRMAN

Sd/-
MEMBER/TRS

OP No. 18 of 2023

M/s Hetero Wind Power Ltd. Vs. APSPDCL, APTRANSCO & APPCC

OP No. 19 of 2023

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

OP No. 20 of 2023

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

OP No. 21 of 2023

M/s Fujin Wind Parks Private Limited Vs. APSPDCL, APTRANSCO & APPCC

OP No. 22 of 2023

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

OP No. 23 of 2023

M/s Hetero Wind Power (Pennar) Pvt. Ltd Vs. APSPDCL, APTRANSCO & APPCC

OP No. 24 of 2023

M/s Aeolus Wind Parks Private Limited Vs. APSPDCL, APTRANSCO & APPCC

(Petitions filed under Sections 86(1)(e) &(f) of the Electricity Act, 2003 read with Clause-8 of the Andhra Pradesh Electricity Regulatory Commission (Conduct of Business) Regulations 1999, as amended, r/w the Clauses of the Power Purchase Agreements entered into between the Petitioners and the Respondents, seeking directions to the 1st Respondent for expeditiously releasing the payments to the Petitioners, which are illegally deducted and withheld by the 1st Respondent, on account of the energy delivered by the Petitioner to the 1st Respondent beyond the Capacity Utilisation Factor (CUF) of 23%.)

Sri Shiv Rohan Singh, Counsel representing Sri S.Vivek Chandrasekhar, learned Counsel for the Petitioners; and Sri P.Shiva Rao, learned Standing Counsel for the respondents, are present at the hearing.

Counter-affidavits are filed by respondents 1 and 3.

At the request of Sri Shiv Rohan Singh, two weeks' time for rejoinder is granted.

Call on 02-8-2023.

Sd/-
MEMBER/PVRR

Sd/-
CHAIRMAN

Sd/-
MEMBER/TRS

OP No. 27 of 2023**M/s Balaji Energy Pvt. Ltd, Vs. APSPDCL, APTRANSCO & APPCC**

(Petition filed under Section 86(1)(f) r/w 86(1)(k) of the Electricity Act 2003 r/w Clause-55 of the APERC (Conduct of Business) Regulations, 1999 seeking a direction to the respondents for considering the Actual Generation during the month as Scheduled Energy at the time of settlement of Petitioner's Account with its O.A. Consumer and, consequently, direct the respondents to pay an amount of Rs.2,48,79,546/- (for 2x4 MW) along with 12% interest at quarterly rests for the period October 2019, November 2019, December 2019, April 2020, May 2020 and June 2020.)

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OP No. 28 of 2023**M/s Balaji Energy Pvt. Ltd, Vs. APSPDCL, APTRANSCO & APPCC**

(Petition filed under section 86(1)(f) r/w 86(1)(k) of the Electricity Act 2003 r/w Clause-55 of the APERC (Conduct of Business) Regulations 1999 seeking a direction to the respondents for considering the Actual Generation during the month as Scheduled Energy at the time of settlement of Petitioner's Account with its O.A. Consumer and, consequently, direct the respondents to pay an amount of Rs.28,76,193/- (for 2x 1.5 MW) along with 12% interest at quarterly rests for the period October 2019, November 2019, December 2019, April 2020, May 2020 and June 2020)

Sri Shiv Rohan Singh, Counsel representing Sri M. Naga Deepak, learned counsel for the petitioner; and Sri P.Shiva Rao, learned Standing Counsel for the respondents, are present at the hearing.

Counter-affidavits are filed on behalf of respondent No.2.

At the request of Sri Shiv Rohan Singh, two weeks' time for rejoinder is granted.

Call on 02-8-2023.

Sd/-
MEMBER/PVRR

Sd/-
CHAIRMAN

Sd/-
MEMBER/TRS

OP No. 29 of 2023**M/s Hetero Wind Power (Pennar) Pvt. Ltd, Vs. APSPDCL & APPCC**

(Petition filed under Sections 86(1)(f) and (e) of the Electricity Act, 2003 read with Clause- 8 of the Andhra Pradesh Electricity Regulatory Commission (Conduct of Business) Regulations, 1999 as amended, r/w. Article- 5, Clause 5.2 of the Power Purchase Agreements dated 16.03.2016 ("PPAs") entered into between the Petitioner and APSPDCL, seeking directions to APSPDCL for expeditiously releasing the amounts due and payable to the Petitioner by APSPDCL under the PPAs towards Late Payment Surcharges (LPS)

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OP No. 30 of 2023**M/s Hetero Wind Power Pvt. Ltd Vs. APSPDCL & APPCC**

(Petition under Sections 86(1)(f) and (e) of the Electricity Act, 2003, r/w. Clause- 8 of the Andhra Pradesh Electricity Regulatory Commission (Conduct of Business) Regulations, 1999 as amended, read with Article 5 and Clause 5.2 of the Power Purchase Agreements dated 18.12.2014 (PPAs) entered into between the Petitioner and APSPDCL, seeking directions to APSPDCL for expeditiously releasing the amounts due and payable to the Petitioner by APSPDCL under the PPAs towards Late Payment Surcharges (LPS)

Sri Shiv Rohan Singh, Counsel representing Sri S.Vivek Chandrasekhar, learned Counsel for the Petitioners; and Sri P.Shiva Rao, learned Standing Counsel for the respondents, are present at the hearing.

A further request is made by Sri P.Shiva Rao for filing counter-affidavits.

Two more weeks' time is, accordingly, granted.

Call on 02-8-2023.

Sd/-
MEMBER/PVRR

Sd/-
CHAIRMAN

Sd/-
MEMBER/TRS

OP No. 32 of 2023**M/s APSPDCL Vs. M/s. Vayu (India) Power Corporation Pvt. Ltd,**

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OP No. 33 of 2023**M/s. APSPDCL Vs. M/s. Vish Wind Infrastructure LLP,**

(Petitions filed under Section 86(1) (f) of the Electricity Act, 2003 read with Clause 9 of the APERC (Conduct of Business) Regulations, 1999, seeking declaration that the Notices dt 02-12-2022 terminating the PPAs in mid-course by the Generator, as illegal and void.)

Sri P.Shiva Rao, learned Standing Counsel for the Petitioner, and Mr.Sohail Buttan, learned counsel for the respondents, are present at the hearing.

Learned counsel for the respondents reported no counters.

Call on 30-8-2023 for hearing.

Sd/-
MEMBER/PVRR

Sd/-
CHAIRMAN

Sd/-
MEMBER/TRS

OP No. 70 of 2022**M/s Bharat Heavy Electrical Ltd., Vs. APTRANSCO & Ors**

(Petition filed under Section 86(1)(f) of the Electricity Act 2003 for recovery of a sum of Rs.1,90,31,273/- (Rupees One Crore, Ninety Lakhs, Thirty One Thousand, Two Hundred and Seventy Three only) together with interest at 10% per annum towards the amount due under Invoice dated 07/12/2019 issued in respect of the 3 MW power for 6012440 Units injected between April 2016 to November 2019 to the respondents at its Inter-connection point based on the collective Joint Meter reading.)

Smt. G.Malathi, learned counsel for the petitioner; and Sri P.Shiva Rao, learned Standing Counsel for the Respondents, are present at the hearing.

Smt. G.Malathi submitted that rejoinder is being filed today in the Office.

Call on 13-9-2023 for hearing.

Sd/-
MEMBER/PVRR

Sd/-
CHAIRMAN

Sd/-
MEMBER/TRS

OP No. 3 of 2023**M/s Vish Wind Infrastruktire LLP Vs. APSPDCL & two others**

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OP No. 13 of 2023**M/s Vaayu (India) Power Corporation Pvt. Ltd. Vs. APSPDCL & others**

(Petitions filed under Section 86(1)(e) and (f) of the Electricity Act, 2003 read with Article 2.2, 5 and 9 of the PPAs seeking direction against the Respondents for issuance of No Objection Certificate in order to enable the Petitioner to sell the Power through Open Access.)

Mr.Sohail Buttan, learned counsel for the Petitioners and Sri P.Shiva Rao, learned Standing Counsel for the Respondents, are present at the hearing.

Call on 30-8-2023 for hearing.

Sd/-
MEMBER/PVRR

Sd/-
CHAIRMAN

Sd/-
MEMBER/TRS

OP No. 63 of 2022**M/s. Balaji Energy Pvt Ltd., Vs. APSPDCL & APPCC**

(Petition filed U/Sec. 86 (1)(f) R/w 86(1)(k) of the Electricity Act, 2003 seeking a direction to the respondents for reimbursement of Income Tax of Rs.13,10,34,791/- and interest @ 12% quarterly rests, amounting to Rs.2,57,70,920/- for the periods from FY 2017-18 to 2021-22, paid by the Petitioner towards Income Tax which is pass through as per Hon'ble Commission Tariff Orders)

Sri Shiv Rohan Singh, Counsel representing Sri M. Naga Deepak, learned counsel for the Petitioner; and Sri P.Shiva Rao, learned Standing Counsel for the respondents, are present at the hearing.

Sri Shiv Rohan Singh submitted that with reference to the calculations furnished by the respondents, his client is reconciling and trying to arrive at final figures. He, therefore, requested an adjournment for this purpose.

Call on 02-8-2023.

Sd/-
MEMBER/PVRR

Sd/-
CHAIRMAN

Sd/-
MEMBER/TRS