

Record of proceedings dated 12-06-2020

R.P.No.1 of 2019 in O.P.No.30 of 2018

M/s. Tirumala Cotton & Agro Products Limited and M/s. Ravali Spinners Pvt Ltd Vs
APTRANSCO, APSPDCL & APEPDCL

Petition under Regulation 49 of the APERC (Conduct of Business) Regulations, 1999 r/w Section 94 (f) of the Electricity Act, 2003 seeking review of the order dated 08-03-2019 passed by the Commission in O.P.No.30 of 2018 with respect to the Transmission Tariff of Wind Generators / Users for Captive purpose for FY 2019-20 to 2023-24

R.P.No.3 of 2019 in O.P.Nos.28 & 29 of 2018

M/s. Tirumala Cotton & Agro Products Limited and M/s. Ravali Spinners Pvt Ltd Vs
APSPDCL & APEPDCL

Petition under Regulation 49 of the APERC (Conduct of Business) Regulations, 1999 r/w Section 94 (f) of the Electricity Act, 2003 seeking review of the order dated 15-04-2019 passed by the Commission in O.P.No.28 & 29 of 2018 with respect to the Wheeling Tariff of Wind Generators / Users for Captive purpose for FY 2019-20 to 2023-24

Sri M. Sridhar, learned counsel representing Sri Challa Gunaranjan, learned counsel for the petitioners and Sri P. Shiva Rao, learned Standing Counsel for the respondents are present at the web hearing.

Learned counsel for the petitioner submitted that he will file the relevant material relating to transmission charges being collected by the entities of other States from the open access renewable energy consumers. Sri Yasasvi representing Andhra Pradesh Chambers of Commerce & Industry Federation also made submissions and he is also offered to file supporting material within one week. Hearing is closed. Both parties are permitted to file the supporting material within one week. Orders reserved.

Sd/-
MEMBER / TRS

Sd/-
CHAIRMAN

Sd/-
MEMBER / PRR

O.P.No.41 of 2019
M/s. Palnadu Solar Power Pvt. Ltd Vs CMD / APSPDCL
CE / APPCC / APTRANSCO and CGM / Projects & IPC / APSPDCL

Petition filed u/s 63 of the Electricity Act, 2003 r/w APERC (Conduct of Business) Regulation 1999 for approval of tariff for the additional capacity of 4.5 MW of the petitioner's solar power project as determined through competitive bidding process.

Sri M. Sridhar, learned counsel representing Sri Challa Gunaranjan, learned counsel for the petitioner, Sri P. Shiva Rao, learned Standing Counsel for the respondents and Sri M. Venugopala Rao, learned objector are present at the web hearing.

Learned counsel for the petitioner submitted that additional affidavit filed by the respondents is served on him yesterday and requested for time for making his submissions. Call on 14-07-2020.

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)

O.P.No.4 of 2020
Petition filed by APSPDCL under Section 42 (2), 66 & 94 (2) of the Electricity Act 2003, Clause No. 24.2 & 26 of APERC Regulation 2 of 2005 seeking amendment to the APERC Terms and Conditions of Open Access Regulation, 2005 (Regulation No.2 of 2005) and its amendment i.e., Regulation 1 of 2016, for withdrawal of incentives given to the Group captive Open Access generators and Open Access consumers

O.P.No.5 of 2020
Petition filed by APSPDCL under Section 42 (2), 66 & 94 (2) of the Electricity Act 2003 Clause 15 of APERC Regulation 2 of 2006 seeking amendment to Interim Balancing and Settlement Code for Open Access Transactions (Regulation No. 2 of 2006) with plea to abolish the banking facility for open access RE generators and open access consumers

O.P.No.16 of 2020
Petition filed by APEPDCL under Section 42 (2), 66 & 94 (2) of the Electricity Act 2003 Clause 15 of APERC Regulation 2 of 2006 seeking amendment to Interim Balancing and Settlement Code for Open Access Transactions (Regulation No. 2 of 2006) with plea to withdraw the banking facility for open access RE generators and open access consumers.

O.P.No.17 of 2020

Petition filed by APEPDCL under Section 42 (2), 66 & 94 (2) of the Electricity Act 2003 (36 of 2003) seeking suitable amendment to 2nd proviso to Clause 4.1 & 10.5 of APERC Regulation 2 of 2006

Sri P. Shiva Rao, learned Standing Counsel for the utilities, Sri Challa Gunaranjan, Advocate; Sri Abhimanyu Lavu, Advocate; Ms. Mazag Andrabi, Advocate; Sri Jeevan Kumar, Advocate representing Sri P. Vikram, Advocate; Sri. M. Karthik Pavan Kumar, Advocate; Sri Arun Geetesh, Advocate and Sri M. Venugopala Rao, learned objectors are present at the web hearing.

We have heard Sri P. Shiva Rao, learned Standing Counsel for the State utilities and Ms. Mazag Andrabi, learned counsel for one of the objectors. Learned counsel submitted that her clients would like to file certain written objections on technical aspects. She requested for time for filing written objections. Sri M. Venugopala Rao requested for uploading the responses filed by himself and the petitioners to enable the objectors to make their submissions. The office shall do the needful. Call on 30-06-2020.

Sd/-
MEMBER / TRS

Sd/-
CHAIRMAN

Sd/-
MEMBER / PRR

O.P.No.21 of 2015

Hinduja National Power Corporation Ltd (HNPC) Vs APSPDCL & APEPDCL

Public hearing in the matter of the petition filed by the petitioner (HNPCL) for determination of capital cost of its 1040 MW (2 x 520 MW) thermal power plant at Visakhapatnam

The Hon'ble APTEL in its judgment dated 07-01-2020, while allowing Appeal No. 41 of 2019 on its file directed the Commission to dispose of O.P.No.21 of 2015 on merits.

O.P.No.19 of 2016

APEPDCL & APSPDCL Vs Hinduja National Power Corporation Ltd (HNPC)

Public hearing in the matter of the petition filed by APDISCOMs for grant of approval of PPA to 1040 MW (2 x 520 MW) thermal power plant of the respondent herein at Visakhapatnam

The Hon'ble APTEL in its judgment dated 07-01-2020, while allowing Appeal No. 41 of 2019 on its file directed the Commission to dispose of O.P.No.19 of 2016 on merits.

Sri M.G. Ramachandran, learned senior counsel for the petitioner/ HNPCL, Sri P. Shiva Rao, learned Standing Counsel for the respondents / APDISCOMs and Sri M. Venugopala Rao, learned objector are present at the web hearing.

We have heard Sri M.G. Ramachandran, learned senior counsel for the petitioner/ HNPCL and Sri P. Shiva Rao, learned Standing Counsel for the respondents. As regards the issues that have cropped up during the hearing including one relating to power of this Commission to fix the tariff under Section 62 in the face of clause 5.2 (b) of Regulation 1 of 2008, learned senior counsel requested time for an adjournment for filing written brief besides making further submissions. Call on 14-07-2020.

Sd/-
MEMBER / TRS

Sd/-
CHAIRMAN

Sd/-
MEMBER / PRR

O.P. No. 76 of 2019

M/s Axis Wind Farms (Anantapur) Pvt. Ltd., M/s Axis Wind Farms (Rayalaseema) Pvt. Ltd and M/s Axis Energy Ventures India Pvt. Ltd. Vs. APSLDC, APTRANSCO, APSPDCL, Energy Department, GoAP, MNRE and SRLDC

Petition filed under Section 33(4) read with Section 86(1)(e), 86(1)(f), and 86(1)(i) of the Electricity Act, 2003, seeking various declaratory and substantive reliefs in respect of the arbitrary, illegal, and wrongful curtailment of generation from each of the first and second petitioners' 105 MW Wind Power Plants

Sri Vishal Binod, learned counsel for the petitioners and Sri P. Shiva Rao, learned Standing Counsel for the respondents 1 to 3 are present at the web hearing.

Counter Affidavit is filed. Sri Vishal Binod, learned counsel for the petitioners requested for time for filing rejoinder. Call on 21-07-2020.

Sd/-
MEMBER / TRS

Sd/-
CHAIRMAN

Sd/-
MEMBER / PRR

O.P.No.1 of 2020

M/s. Vaayu (India) Power Corporation Limited Vs. APTRANSCO, APPCC & APSPDCL

Petition filed under Section 86 (1)(b), 86(1)(e) and 86(1)(f) of the Electricity Act, 2003, for specific performance of the Power Purchase Agreements dated 29-05-2010 and for a direction against the Respondents for the payments of the outstanding amounts

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

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

Sri P. Shiva Rao, learned Standing Counsel submitted that he has realized the mistake in representing during the last hearing that in these cases also, there is a dispute about the PPAs and that he has filed applications for amending his counter affidavits withdrawing the said stand taken in the said counter affidavits. Sri Sajan Poovayya, learned senior counsel submitted that undisputed amounts towards the cost of power supply to his clients are due and payable for several months. As we do not find any justification in withholding the admitted amounts, Sri P. Shiva Rao requested for two weeks' time for filing affidavit indicating the specific schedule for payment of the undisputed principal liability. Call on 30-06-2020.

Sd/-
MEMBER / TRS

Sd/-
CHAIRMAN

Sd/-
MEMBER / PRR

I.A.No.9 of 2019 in O.P.No.2 of 2015

Andhra Pradesh Ferro Alloys Producers Association; M/s. Abhijeet Ferrotech Ltd & M/s.Andhra Ferro Alloys Ltd Vs CMD / APEPDCL & Principal Secretary,
Government of AP Energy, Infrastructure & Investment (Power) Department

Petition filed under Sections 62 read with 86 of the Electricity Act, 2003 for revisiting of the conditions stipulated in the Retail Supply Tariff Order for FY 2015-16 the category of HT-1(b) consumers

I.A.No.10 of 2019 in O.P.No.12 of 2015

Andhra Pradesh Ferro Alloys Producers Association & M/s. Sai Laxmi Tulasi Ferros Pvt. Ltd Vs APSPDCL & Principal Secretary,
Government of AP Energy, Infrastructure & Investment (Power) Department

Petition filed under Sections 62 read with 86 of the Electricity Act, 2003 for revisiting of the conditions stipulated in the Retail Supply Tariff Order for FY 2015-16 the category of HT-1(b) consumers

Sri C.V. Mohan Reddy, learned senior counsel representing Sri Challa Gunaranjan, learned counsel for the petitioners and Sri P. Shiva Rao, learned Standing Counsel for the respondents are present at the web hearing.

At the request of Sri C.V. Mohan Reddy, learned senior counsel for the petitioners, call on 07-07-2020.

Sd/-
MEMBER / TRS

Sd/-
CHAIRMAN

Sd/-
MEMBER / PRR

O.P.No.19 of 2020

Representation of Sri. V. Venkata Seshiah dt.05-02-2020, Prakasam District - Non-determination of compensation for felling trees

Order passed (vide separate order)

Sd/-
MEMBER / TRS

Sd/-
CHAIRMAN

Sd/-
MEMBER / PRR