

**Record of Proceedings Dated 13-09-2023**

**OP No. 61 of 2023 & IA No.1 of 2023**

**M/s Sarda Metals & Alloys Ltd Vs. Transmission Corporation of A.P. Ltd., (APTRANSCO), Superintending Engineer /OMC Circle/ APTRANSCO, Vijayanagaram**

**(OP No.61 of 2023:** Petition filed by M/s Sarda Metals & Alloys Ltd under Section 86(1)(f) of the Electricity Act, 2003 seeking adjudication of a dispute in relation to claim of Line and Bay Maintenance charges imposed on petitioner's Captive Power Plant).

**(IA No.1 of 2023:** (This petition is filed seeking stay of demand, vide Lr.No. SE/O&M/VZM/Tech/AEE2/F.O&M charges X.3/D.No.1043/23, dated 02.06.2023, issued by Respondent No.2 or any such other order or orders).

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Sri Challa Gunaranjan, 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 submitted that counter-affidavit is served on the learned counsel for the petitioner today and that the same is now being filed in the Office of the Commission.

Sri Challa Gunaranjan requested time for rejoinder.

Call on 18-10-2023 for rejoinder.

**Sd/-  
MEMBER/PVRR**

**Sd/-  
CHAIRMAN**

**Sd/-  
MEMBER/TRS**

**IA No.1 of 2023 in OP No.18 of 2020**

**M/s Khandaleru Power Company Ltd Vs. APSPDCL, APPCC**

**(IA No.1 of 2023:** This application is filed under Section 142 of the Electricity Act, 2003 r/w Clause-55 of the Andhra Pradesh Electricity Regulatory Commission (Conduct of Business) Regulations, 1999 for contravention and non-implementation of the final order dated 26-10-2022 passed by this Hon'ble Commission in O.P.No.18 of 2020)

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

Both the parties have filed their respective memos. Sri Challa Gunaranjan and Sri P. Shiva Rao submitted that as there is some variation in the respective claims regarding the quantum payable by the respondents to the petitioner, it is appropriate that both the parties reconcile regarding the actual liability of the respondents to the petitioner.

Hence, the IA is adjourned for reporting on the result of the reconciliation and for further hearing, if any, needed. Call on 18-10-2023.

**Sd/-  
MEMBER/PVRR**

**Sd/-  
CHAIRMAN**

**Sd/-  
MEMBER/TRS**

**OP No. 54 of 2023 & IA No.1 of 2023**  
**M/s. Sree Lalitha Parameshwari Mills Pvt Ltd. Vs. APTRANSCO,**  
**APCPDCL and APSPDCL**

**OP No.54 of 2023:**

(Petition filed under Section 42, 86(1)(e) read with Section 86(1)(f) of the Electricity Act, 2003 to declare the action of the respondents in unilaterally levying and demanding amounts towards transmission and wheeling charges for wheeling of power generated from the petitioner's Solar Power Plant as illegal, arbitrary and contrary to the A.P. Solar Power Policy, 2015 enunciated in GO.Ms.No.8, Dated 12.02.2015, and, consequently, to direct the respondents not to levy or demand any charges towards transmission and wheeling of solar power generated by the petitioner for its captive use; and to direct the respondents to refund the amount collected towards transmission charges from 30.06.2021 onwards to the petitioner; and also to direct the respondents to refund the amount collected towards wheeling charges from 30.04.2021 onwards to the petitioner)

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**IA No. 1 of 2023:**

(Interlocutory Application is filed seeking to direct the Respondents not to levy transmission and wheeling charges for wheeling power from the petitioner's Solar Power Plant at Bonga

Ravulapadu village, Varikuntapdu Mandal, SPSR Nellore District, Andhra Pradesh, pending pending adjudication of the main petition)

Sri Shreyas Reddy, counsel representing Sri N.V.Sumanth, learned counsel for the Petitioner, and Sri P. Shiva Rao learned Standing Counsel for the respondents, are present at the hearing.

Sri Shreyas Reddy submitted that rejoinder is being filed today.  
Call the OP for hearing on 08-11-2023.

**Sd/-  
MEMBER/PVRR**

**Sd/-  
CHAIRMAN**

**Sd/-  
MEMBER/TRS**

**OP No. 57 of 2023**

**M/s. ITC Limited Vs. APTRANSCO and APSLDC**

(Petition filed under Section 86(1)(f) of the Electricity Act, 2003 read with Clause 21 of the APERC (Terms and Conditions of Open Access ) Regulation 2005 and Clause 11 of the APERC (Levy and Collection of fees and charges by State Load Dispatch Centre) Regulation 2006, to direct the Respondents to process the Short Term Open Access applications of the Petitioner.

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Sri Challa Gunaranjan, learned Counsel for the Petitioner; and Sri P.Shiva Rao, learned Standing Counsel for the respondents, are present at the hearing.

Sri Challa Gunaranjan requested two more weeks' time for filing rejoinder.

Call on 18-10-2023.

**Sd/-  
MEMBER/PVRR**

**Sd/-  
CHAIRMAN**

**Sd/-  
MEMBER/TRS**

**OP No. 55 of 2023****M/s.APEPDCL, Visakhapatnam**

(Petition filed by M/s. APEPDCL seeking approval of the Honourable Commission to consider issuing suitable Amendment to certain Clauses of the APERC (Terms and Conditions for Determination of Tariff for Wheeling and Retail Sale of Electricity) Regulation No.4 of 2005)

Sri P.Shiva Rao, learned Standing Counsel for the Petitioner, and the learned Objectors, viz., Sri M.Venugopala Rao, Senior Journalist; Sri Y.S.Gurunath, Secretary and Sri P.Vijayagopal Reddy, Authorised representative, respectively, of the AP Ferro Alloys Producers' Association, are present at the hearing.

Sri M.Venugopala Rao, Senior Journalist; Sri U.M. Kumar, Secretary, A.P. Textile Mills Association, Guntur; and Sri P.Vijayagopal Reddy, Authorised representative of the AP Ferro Alloys Producers' Association have filed their objections before this Commission; and replies have been filed by the petitioner.

However, from the replies filed by the petitioner, it appears that Sri Ch.Babu Rao, State Secretariat Member, CPI(M), A.P. Committee, Vijayawada; Sri M.V.Anjaneyulu, Secretary, Taxpayers' Association, Vijayawada; Sri A.G.Raj Mohan, General Secretary, AP United Citizen Forum (ATP), Anantapur; Smt/Sri L.S.Bharavi, Secretary, Federation of Apartment and Colonies' Welfare Association, Guntur; Dr.B.Ganga Rao, Floor Leader, CPI(M), Visakhapatnam; Sri B.B.Ganesh, General Secretary, Visakhapatnam Apartment Residents' Welfare Association

(VARWA), Visakhapatnam, have also filed their Objections before the petitioner without sending copies of the same to this Commission.

The Commission gave option to the Objectors present today, either to seek further time for making submissions or to make their oral submissions today itself. Both the Objectors reported ready and made their submissions.

Heard Sri P.Shiva Rao for the petitioner and Sri M.Venugopala Rao and Sri P.Vijayagopal Reddy, learned Objectors.

Orders reserved.

**Sd/-**  
**MEMBER/PVRR**

**Sd/-**  
**CHAIRMAN**

**Sd/-**  
**MEMBER/TRS**

**OP No. 1 of 2022**

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

(Petition filed under Section 86(1)(e) & (f) of the Electricity Act, 2003 R/w Clause-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 in terms of Articles 5.2 & 5.3 of the PPA).

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**OP No. 2 of 2022**

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

(Petition filed under Section 86(1)(e) & (f) of the Electricity Act, 2003 R/w. Clause 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 in terms of Articles 5.1, 5.2 & 5.3 of the PPA.)

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Ms. Shriya Mishra, Deputy Manager (Legal) of the petitioners; and Sri P.Shiva Rao, learned Standing Counsel for the Respondent, are present at the hearing.

Sri P.Shiva Rao submitted that, as spelt out during the previous hearing, all the 12 instalments have been paid and that the issues, such as, LPS, GBI and CUF, need to be resolved. Both the learned counsel requested an adjournment for addressing their arguments on these aspects.

Call on 15-11-2023.

**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) read with 86(1)(k) of the Electricity Act 2003 read with Clause-55 of the APERC (Conduct of Business) Regulations 1999 seeking to declare the action of respondents 1 and 2 in not considering the Actual Generation during the month as Scheduled Energy at the time of settlement of Petitioner's Account with its O.A. Consumer as being void, illegal, arbitrary and contrary to the provisions of the Electricity Act, 2003 and Open Access Regulations dated 2-6-2006; and, consequently, direct the respondents to pay an amount of Rs.2,48,79,546/- (for 2x 4 MW) to the petitioner along with 12% interest at quarterly rests for the period October 2019, November 2019, December 2019, April 2020, May 2020 and June 2020 in respect of the power drawn and for quantity deducted and not accounted for at the time of settlement)

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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) read with 86(1)(k) of the Electricity Act 2003 read with Clause-55 of the APERC (Conduct of Business) Regulations 1999 seeking to declare the action of the respondents 1 and 2 in not considering the Actual Generation during the month as Scheduled Energy at the time of settlement of Petitioner's Account with its O.A. Consumer as being void, illegal, arbitrary and contrary to the provisions of the Electricity Act, 2003 and Open Access Regulations dated 2-6-2006; and, consequently, direct the respondents to pay an amount of Rs.28,76,193/- (for 2x 1.5 MW) to the petitioner along with 12% interest at quarterly rests for the period October 2019, November 2019, December 2019, April 2020, May 2020 and June 2020 in respect of the power drawn and for quantity deducted and not accounted for at the time of settlement)

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Sri S.Ravi, learned Senior Counsel for the petitioner; and Sri P.Shiva Rao, learned Standing Counsel for the respondents, assisted by Sri M.V.V.N.V.Prasad, DEE of APSLDC; are present at the hearing.

After a prolonged hearing, the two points which are identified for adjudication are:

- 1) Whether there was over injection of power on any day during the period in dispute? and
- 2) If so, whether it can be treated as inadvertent power?

As regards the first point, it has been stated by Sri S.Ravi, learned Senior Counsel, that the total capacity of the two units is 8 MW; out of which a PPA with one consumer viz., M/s.Pushpit Steels Private Limited, was entered into for 4 MW. He further submitted that as and when there was generation in excess of 4 MW, the petitioner used to supply the same in India Energy Exchange (IEX) on days when it participated in the bidding. This submission is not disputed by the learned counsel for the respondents. During the hearing it has also come out that the figures relating to the number of units of energy supplied to IEX and Pushpit Steels are also not in dispute. However, it needs to be ascertained whether on any given day there was over injection i.e., where the petitioner has not supplied power to IEX, was there generation and injection in excess of 4 MW. This aspect needs to be ascertained with the aid of reconciliation.

The Commission is, therefore, inclined to permit the two representatives of each side, i.e., the petitioner and the respondents to sit with the Officer of this Commission, viz., Sri P.Murali Krishna, Consultant (Tariff & Engineering) and incharge Secretary, on 21-9-2023 at 11 AM in the office of the Commission and reconcile the dispute. Based on such reconciliation, the Officer of this Commission shall submit a report within a week thereafter.

Both the parties shall produce the respective material relating to the generation, injection and consumption of the power by the two consumers before the above mentioned Officer.

Call on 18-10-2023.

**Sd/-  
MEMBER/PVRR**

**Sd/-  
CHAIRMAN**

**Sd/-  
MEMBER/TRS**

**OP No. 63 of 2022**

**M/s. Balaji Energy Pvt Ltd., Vs. APSPDCL & APPCC**

(Petition filed under Section 86 (1)(f) read with 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)

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**OP No. 31 of 2023 and IA No.1 of 2023**

**M/s. Balaji Energy Pvt. Ltd Vs APSPDCL & APTRANSCO**

**(OP No. 31 of 2023:** Petition filed under U/Sec. 86(1)(f) r/w 86(1)(k) of the Electricity Act, 2003 Read with Clause-55 of the APERC (Conduct of Business) Regulations, 1999 seeking a direction to the respondents for payment of dues towards electricity supplied to a tune of Rs.26,48,40,066/- calculated upto 31-03-2023 along with interest thereon)

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**(IA No.1 of 2023:** Application filed by APSPDCL under Clause-55 of the APERC (Conduct of Business) Regulations, 1999 seeking to defer the hearing of the main OP No.31 of 2023 till determination of tariff for second 10 years of operation in respect of the petitioner's project)

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Sri S.Ravi, learned Senior Counsel for the petitioner; and Sri P.Shiva Rao, learned Standing Counsel for the respondents; are present at the hearing.

A memo is filed by the petitioner along with the order of the Honourable High Court of Andhra Pradesh directing the parties to approach this Commission for determination of tariff from 11th year onwards. Both the learned counsel submitted that unless that exercise is completed, the issues raised in these petitions cannot be resolved.

Sri S.Ravi, learned Senior Counsel, submitted that his client is taking steps to file appropriate application for fixation of tariff and that hearing of these two OPs., may be deferred till the disposal of the said application. The request of the learned Senior Counsel is, accordingly, accepted.

The OPs are, accordingly, adjourned *sine die* with liberty to the counsel on either side to move this Commission for posting of these matters for hearing on the disposal of the proposed application for fixation of the tariff.

**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.)

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

At the request of the learned counsel for both the parties, call on 15-11-2023.

**Sd/-  
MEMBER/PVRR**

**Sd/-  
CHAIRMAN**

**Sd/-  
MEMBER/TRS**