

Record of proceedings dated 14-02-2020

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 and Sri M. Venugopala Rao, learned objector are present.

Common additional objections dated 14-02-2020 have been filed by Sri M. Venugopala Rao, learned objector. At the hearing, Sri M. Venugopala Rao presented set of papers numbering 9. The office is directed to assign continuous pagination to this set of documents. Sri P. Shiva Rao, learned Standing Counsel for the licensees / petitioners requested for time for instructions and filing additional pleadings, if any. Call on 10-03-2020 at 11:00 AM.

Sd/-
CHAIRMAN

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 and Sri M. Venugopala Rao, learned objector are present.

Call along with O.P.No.50 of 2019 on 10-03-2020.

Sd/-
CHAIRMAN

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 and Sri M. Venugopala Rao, learned objector are present.

Call along with O.P.No.50 of 2019 on 10-03-2020.

Sd/-
CHAIRMAN

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 and Sri M. Venugopala Rao, learned objector are present.

Call on 10-03-2020 along with O.P.No.50 of 2019 and batch.

Sd/-
CHAIRMAN

O.P.No.46 of 2017
APSPDCL & APEPDCL Vs APGENCO & A.P. Solar Power Corporation Ltd

Petition filed under Section 86 (1) (b) of the Electricity Act, 2003 for approval of long term Power Purchase Agreement (PPA) signed by APDISCOMs with APGENCO on 01-07-2017 and to pass orders regulating the price for purchase of 400 MW solar power generated from the Ananthapuram--II Ultra Mega Solar Park proposed at Talaricheruvu (V), near Tadipatri, Anantapuramu Dist AP@ the tariff of Rs.3.57/kWh

Sri P. Shiva Rao, learned Standing Counsel for the petitioners, Sri P. Bala Muni Sekhar, Deputy Secretary, Revenue Department, Government of Andhra Pradesh, and Sri M. Venugopala Rao, learned objector are present.

Principal Secretary, Government of Andhra Pradesh, Revenue (Lands) Department sent letter dated 12-02-2020 to the Commission stating that the Principal Secretary (Revenue), A.P., who is required to attend a meeting at Delhi today, is unable to attend the hearing. She requested for adjournment for one month. At the hearing, Sri P. Bala Muni Sekhar, Deputy Secretary, Revenue Department, Government of Andhra Pradesh, is personally present and reiterated the contents of the letter dated 12-02-2020. The Commission desires that the Principal Secretary has to be personally present on the next date of hearing for necessary interaction in the matter of reduction of price for the land. The Commission required the Deputy Secretary to inform the Principal Secretary of the necessity of her personal presence on the next date of hearing. Accordingly, post on 17-03-2020.

Sd/-
CHAIRMAN

O.P.No.57 of 2014 & I.A.No.8 of 2015
Sardar Power Pvt Ltd Vs APEPDCL

Petition filed for determination of capital cost and consequent re-determination of tariff for the first 10 years of operation with effect from 17-07-2008 (being COD of the project) pursuant to the Judgment of Hon'ble ATE dt.20-12-2012 in Appeal No.172 of 2011 and batch

Sri K. Gopal Choudary, learned counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the respondent are present.

After hearing the case for some time, the Commission feels it appropriate to refer the issue relating to determination of capital cost, to a Chartered Accountant of repute. Both the learned counsel in-principle agreed for such reference and submitted no objection for referring it to M/s. Brahmaiah & Co. The Commission Secretary shall contact the person concerned of the said company for ascertaining the willingness for undertaking the assignment. Call on 18-02-2020.

Sd/-
CHAIRMAN

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

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

Sri Challa Gunaranjan, learned counsel for the petitioner submitted that though specific rejoinder is not necessary, he would like to file material relating to recent developments along with affidavit. He accordingly requested for an adjournment.

Call on 10-03-2020 at 11:00 AM.

Sd/-
CHAIRMAN

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

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

Sri Challa Gunaranjan, learned counsel for the petitioner submitted that though specific rejoinder is not necessary, he would like to file material relating to recent developments along with affidavit. He accordingly requested for an adjournment.
Call on 10-03-2020 at 11:00 AM.

Sd/-
CHAIRMAN

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

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

Sri Challa Gunaranjan, learned counsel for the petitioner submitted that though specific rejoinder is not necessary, he would like to file material relating to recent developments along with affidavit. He accordingly requested for an adjournment.
Call on 10-03-2020 at 11:00 AM.

Sd/-
CHAIRMAN

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

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

Sri Challa Gunaranjan, learned counsel for the petitioner submitted that though specific rejoinder is not necessary, he would like to file material relating to recent developments along with affidavit. He accordingly requested for an adjournment.

Call on 10-03-2020 at 11:00 AM.

Sd/-
CHAIRMAN

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 R-4. Learned counsel for the petitioner requested for time for filing rejoinder. Call on 10-03-2020 at 11:00 AM.

Sd/-
CHAIRMAN

I.A. No.27 of 2019 and I.A.No.1 of 2020 in O.P. No. 74 of 2019
M/s. Azure Power India Pvt. Ltd Vs. APSLDC, APTRANSCO, APEPDCL, NTPC & MNRE

Petition filed by the petitioner under Section 33(4) read with Section 86 (1) (e), 86 (1) (f) and 86 (1) (k) of the Electricity Act, 2003, and Regulation 8 of the Andhra Pradesh Electricity Regulatory Commission (Conduct of Business) Regulations, 1999 as amended from time to time, inter alia seeking direction(s) to the

Respondents to implement the MUST RUN status accorded to the Petitioner's Solar Projects in letter and spirit, refrain from illegally curtailing the solar energy generated therefrom and compensate the Petitioner for the unlawful and arbitrary curtailment of generation from the Petitioner's Solar Project

I.A.No.27 of 2019 filed by the petitioner under Regulation 16 read with Regulation 55 of the Andhra Pradesh Electricity Regulatory Commission (Conduct of Business) Regulations, 1999 as amended from time to time, inter alia seeking interim direction(s) to the Respondents to implement the MUST RUN status accorded to the Petitioner's Solar Project in letter and spirit, and to produce the documents specified in the application which are necessary for the purpose of enabling the Commission to pass orders for adjudication of the Original Petition.

I.A.No.1 of 2020 filed by the petitioner (Affidavit-cum-Memo in O.P.No.74 of 2019) seeking early hearing in view of consistent curtailment of generation of power from petitioner's project by Respondent No.1 is numbered as I.A.No.1 of 2020 in O.P.No.74 of 2019 and listed to 14-02-2020 along with O.P.No.74 of 2019 & I.A.No.27 of 2019 instead of 25-02-2020.

Sri Aniket Prasoon & Ms. Priya Dhankhar, learned counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the respondents are present.

Heard Sri Aniket Prasoon & Ms. Priya Dhankhar, learned counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the respondents. Learned counsel for the petitioner submitted that on 27-01-2020, the Hon'ble High Court of Andhra Pradesh has passed an order in certain cases, where similar grievance of deliberate curtailment of generation of power has been made, referring the issue to Power System Operation Corporation Limited (POSOCO), that in view of subsequent developments, R-1 has filed a Review Petition on 03-02-2020 seeking change of committee and that the cases stand adjourned to 19-02-2020. In the light of these developments, this Commission feels that as the Hon'ble High Court is seized of the issue, though the petitioner herein is not the party before it, in the interests of propriety, this case is adjourned in order to know the order passed by the Hon'ble High Court to enable this Commission to pass appropriate orders. I.A.No.1 of 2020 filed for early hearing is closed. Accordingly, call I.A.No.27 of 2019 along with

O.P.No.74 of 2019 on 25-02-2020. Meanwhile, counter shall be filed by the respondents.

Sd/-
CHAIRMAN

I.A.No.20 of 2019 and I.A.No.2 of 2020 in O.P.No.61 of 2019
M/s. SBG Cleantech Project Co Pvt. Ltd Vs APSLDC, APTRANSCO, APEPDCL,
NTPC & MNRE

Petition u/s 33 (4) read with Sections 86 (1) (e), 86 (1) (f) and 86 (1) (k) of the Electricity Act, 2003 and Regulation 8 of the APERC (Conduct of Business) Regulations, 1999 as amended from time to time, inter-alia, seeking direction(s) to the respondents to implement the MUST RUN status accorded to the petitioner's Solar Project in letter and spirit, refrain from illegally curtailing the solar energy generated therefrom, and compensate the petitioner for the unlawful and arbitrary curtailment of generation from the petitioner's Solar Project

I.A.No.20 of 2019 filed by the petitioner under Regulation 16 read with Regulation 55 of the APERC (Conduct of Business) Regulations, 1999 as amended from time to time, inter-alia, seeking interim direction(s) to the respondents to implement the MUST RUN status accorded to the petitioner's Solar Project in letter and spirit and to produce documents specified hereunder which are necessary for the purpose of enabling this Commission to pass order for adjudication of the petition filed under Section 33 (4) read with Section 86 (1) (e), 86 (1)(f) and 86 (1) (k) of the Electricity Act, 2003.

I.A.No.2 of 2020 filed by the petitioner (Affidavit-cum-Memo in O.P.No.61 of 2019) seeking early hearing in view of consistent non-compliance by Respondent No.1 of the Commission's order dated 31-12-2019 is numbered as I.A.No.2 of 2020 in O.P.No.61 of 2019 and listed to 14-02-2020 along with O.P.No.61 of 2019 & I.A.No.20 of 2019 instead of 25-02-2020.

Sri Aniket Prasoon & Ms. Priya Dhankhar, learned counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the respondents are present.

Heard Sri Aniket Prasoon & Ms. Priya Dhankhar, learned counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the respondents. Learned counsel for the petitioner submitted that on 27-01-2020, the Hon'ble High Court of Andhra Pradesh has passed an order in certain cases, where similar grievance of deliberate curtailment of generation of power has been made referring the issue to

Power System Operation Corporation Limited (POSOCO), that in view of subsequent developments, R-1 has filed a Review Petition on 03-02-2020 seeking change of committee and that the cases stand adjourned to 19-02-2020. In the light of these developments, this Commission feels that as the Hon'ble High Court is seized of the issue, though the petitioner herein is not the party before it, in the interests of propriety, this case is adjourned in order to know the order passed by the Hon'ble High Court to enable this Commission to pass appropriate orders. I.A.No.2 of 2020 filed for early hearing is closed. Accordingly, call I.A.No.20 of 2019 along with O.P.No.61 of 2019 on 25-02-2020.

Sd/-
CHAIRMAN

O.P.No.34 of 2019
M/s. JSW Power Trading Company Ltd Vs APSPDCL

Petition under Section 86 (1) (f) & other applicable provisions of the Electricity Act, 2003 and Regulations made thereunder seeking direction to respondent for payment of unlawfully withheld amount including interest for the supply of energy to respondent under Purchase Order dated 21-08-2014 and Power Purchase Agreement dated 29-09-2014.

Sri Suraj Das Guru, learned counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the respondent are present.

Sri Suraj Das Guru, learned counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the respondent are further heard after reopening of the matter.
Order is reserved.

Sd/-
CHAIRMAN