

Record of proceedings dated 14-07-2020

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 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.

This petition is filed for the following reliefs:

- "a. Approve the tariff of Rs.6.49/- for the additional 4.5 MW of the petitioner's solar power project connected to the 33 kV SS at Chejarla, Guntur District, Andhra Pradesh, which tariff was arrived at by way of transparent competitive bidding conducted by APTRANSCO vide Bid No.1/2012-13/CE/IPC/APPCC/V.S./Hyd.*
- b. Pass such other order or orders as this Hon'ble Commission deem fit and proper in the interest of justice".*

After arguing the case and having regard to the firm stand taken by the respondents/AP Discoms that the rate fixed in the competitive bidding is highly excessive in the present situation and that in view of the surplus availability of power, they do not require the power from the petitioner's second unit, learned counsel for the petitioner requested for permission to withdraw this petition. He has also prayed for giving liberty to the petitioner to negotiate with the AP Discoms.

After hearing Sri P. Shiva Rao, learned Standing Counsel for the respondents/AP Discoms and Sri M. Venugopala Rao, learned objector, we do not find any reason for not accepting the petitioner's request for withdrawal. We however feel that there is no need to give liberty to the petitioner for exploring alternative avenues under the

Electricity Act, 2003 and no observations in this regard need be made. Subject to these observations, this Original Petition is closed as withdrawn.

Sd/-
MEMBER / TRS

Sd/-
CHAIRMAN

Sd/-
MEMBER / PRR

O.P.No.21 of 2015

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

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. 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

O.P.No.19 of 2016

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

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. 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

Sri M.G. Ramachandran, learned senior counsel for HNPCL, the petitioner in O.P.No.21 of 2015, Sri P. Shiva Rao, learned Standing Counsel for the utilities and Sri M. Venugopala Rao, learned objector are present at the web hearing.

It has been brought to the notice of the Commission by Sri M.G. Ramachandran, learned senior counsel for HNPCL that the Hon'ble Supreme Court has granted stay of the order of the Appellate Tribunal for Electricity. In view of the same, both the Original Petitions are adjourned *sine die*, however, with liberty to both parties move the Commission for hearing the case, subject to the outcome of the proceedings before the Hon'ble Supreme Court.

Sd/-
MEMBER / TRS

Sd/-
CHAIRMAN

Sd/-
MEMBER / PRR

I.A.No.27 of 2019 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.20 of 2019 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.

Sri Sanjay Sen, learned senior counsel for the petitioner in O.P.No.61 of 2019, Sri Aniket Prasoon, learned counsel for the petitioner in O.P.No.74 of 2019 and Sri P. Shiva Rao, learned Standing Counsel for the utilities/AP Discoms are present at the web hearing.

Sri Sanjay Sen, learned senior counsel made his submissions in O.P.No.61 of 2019 and Sri Aniket Prasoon, learned counsel made his submissions in O.P.No.74 of 2019. Both the learned counsel have filed written notes today. At the request of Sri P. Shiva Rao, learned Standing Counsel for the respondents/AP Discoms, call on 28-07-2020 for making his submissions.

Sd/-
MEMBER / TRS

Sd/-
CHAIRMAN

Sd/-
MEMBER / PRR

I.A Nos.7, 8 & 9 of 2020 in O.P.No.54 of 2019 & I.A.No.18 of 2019
Wind Independent Power Producers Association (WIPPA) Vs APSLDC &
APTRANSCO

Petition u/s 33 (4) of the Electricity Act, 2003 r/w Section 86 (1) (e) along with Regulation 16 (2) of the APERC (Conduct of Business) Regulations, 1999 seeking appropriate direction(s) / orders(s) from the Commission against the statutory authorities namely APSLDC and APTRANSCO to address and adjudicate the dispute arising due to non-performance of statutory obligations by the said entities and further seeking constitution of an Independent Committee to enquire and examine the conduct and actions of the said entities which has severely prejudiced the rights and interests of the Wind Power Developers of the State of Andhra Pradesh

IA No. 18 of 2019 filed for interim directions in the main petition

IA.Nos.7, 8 & 9 of 2020 filed by M/s. Saipuram Wind Energies & 2 others; M/s. Axis Wind Farms (Anantapur) Pvt Ltd & another and M/s. Tata Power Renewable Energy Ltd for for impleading the respective parties for effective adjudication of the petition

We have heard Sri Sanjay Sen, learned senior counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the respondents/AP Discoms in detail at the web hearing. Learned senior counsel for the petitioner submitted that as per his information, work relating to Borampalli-Kalyandurg line is going to be completed within one week. Sri P. Shiva Rao, learned Standing Counsel however submitted that it will take two months' time for charging the line.

Sri Sanjay Sen, learned senior counsel for the petitioner submitted that as wind season is currently underway and that by not evacuating the power to the extent of 79% of the network capacity, which was earlier maintained, his clients will be losing a lot of generation. He, therefore, requested for restoration to 79% as was earlier done prior to break down of ICTs 3 and 4. Sri P. Shiva Rao, learned Standing Counsel submitted that the said measure may again affect the grid safety.

Considering the fact that Borampalli-Kalyandurg line is going to be charged within two months even according to Sri P. Shiva Rao, learned Standing Counsel and that presently evacuation is permitted at about 67% of the capacity, we feel that in the interests of justice, respondents shall allow evacuation at 70% till a new line is charged. Respondents are directed to make every endeavour to complete the same and charge the line not later than two months' from today as submitted by Sri P. Shiva Rao. The Original Petition is accordingly disposed of, however, giving liberty to the petitioner to approach this Commission if they face any difficulties in evacuation of power on the Borampalli-Kalyandurg line. It is made clear that the issue relating to N-1 is left open, to be adjudicated in appropriate proceedings if needed.

After hearing Sri Naveen Kumar, learned counsel for Sri P. Vikram, counsel for the petitioner in I.A.Nos.7 of 2020 and Ms. Molshree Bhatnagar, counsel for the petitioner in I.A.No.9 of 2020 and Sri P. Shiva Rao, learned Standing Counsel for the utilities / AP Discoms, the Interlocutory Applications are allowed.

Sd/-
MEMBER / TRS

Sd/-
CHAIRMAN

Sd/-
MEMBER / PRR

O.P. No.65 of 2019

M/s. TGV SRAAC Ltd Vs APTRANSCO, APSPDCL & NREDCAP

Petition under Section 86(1) (f) of the Electricity Act, 2003 read with Regulation 55 of the APERC (Conduct of Business) Regulations, 1999 for adjudication of the disputes between the parties in respect of giving credit of about 73,68,610 units of wind power generated and evacuated into Grid between April, 2016 to July, 2019 in the energy bills of the petitioner

Sri P. Sri Raghu Ram, learned senior counsel & Sri Alladi Ravinder, learned counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the respondents are present at the web hearing.

Pleadings are complete. As the case requires detailed consideration on merits, call on 28-10-2020 for hearing.

Sd/-
MEMBER / TRS

Sd/-
CHAIRMAN

Sd/-
MEMBER / PRR

O.P.No.6 of 2020

M/s. Spectrum Power Generation Ltd Vs APSPDCL, APEPDCL & APTRANSCO

Petition under Section 86 (1)(f) of the Electricity Act, 2003 read with Clause (55) of APERC (Conduct of Business) Regulations seeking recovery of rebate (2.5%) deducted by DISCOMs in payment of monthly energy bills

Sri Naga Deepak, learned counsel representing Sri S. Ravi, learned counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the respondents are present at the web hearing.

Sri Naga Deepak, learned counsel representing Sri S. Ravi, learned counsel for the petitioner submitted that counter affidavit has been received yesterday only. He requested for an adjournment. Call on 07-10-2020.

Sd/-
MEMBER / TRS

Sd/-
CHAIRMAN

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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

Sri P. Bhaskar, District Magistrate & District Collector, Prakasam District and Sri P. Shiva Rao, learned Standing Counsel for respondents 2 and 3 are present at the web hearing.

Sri P. Bhaskar, District Magistrate & District Collector, Prakasam District appeared during the online hearing and brought to the notice of the Commission that as soon as the fact of pendency of representation of the petitioner is brought to his notice, he resolved the issue by awarding compensation of Rs.48,000/-. He has also submitted that he filed an affidavit explaining the reasons for not responding to the notices issued by this Commission. Having regard to the prompt action taken by the District Magistrate & District Collector, Prakasam District in determining the compensation in favour of the petitioner, we drop further action while appreciating the action taken by the District Magistrate & District Collector, Prakasam District.

Sd/-
MEMBER / TRS

Sd/-
CHAIRMAN

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MEMBER / PRR

O.P.No.1 of 2020

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

O.P.No.14 of 2020

M/s. Vish Wind Infrastructure LLP Vs APTRANSCO & 2 others

O.P.No.15 of 2020

M/s. Vish Wind Infrastructure LLP Vs APTRANSCO & 2 others

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

Sri Sajan Poovayya, learned senior counsel & Sri Kailashnath PSS, learned counsel for the petitioners and Sri P. Shiva Rao, learned Standing Counsel for the respondents are present at the web hearing.

Affidavits have been filed by the officer responsible wherein it has been stated that arrears accumulated upto November, 2019 will be cleared in two installments, namely, 50% by the end of September, 2020 and the balance 50% by the end of November, 2020. However, Sri Sajan Poovayya, learned senior counsel submitted that if the respondents clear the arrears up-to-date, his clients are prepared to waive Late Payment Surcharge. Sri P. Shiva Rao, learned Standing Counsel on behalf of the respondents submitted that they will clear the arrears upto May, 2020 in the two installments as aforementioned. Sri Sajan Poovayya, learned senior counsel fairly submitted that if the respondents clear the arrears as promised by them, his clients would stand on their offer of waiver of Late Payment Surcharge. Accordingly, while taking on record the submissions of both the learned counsel, the Original Petitions are adjourned to 02-12-2020 for reporting payments as undertaken by Sri P. Shiva Rao.

Sd/-
MEMBER / TRS

Sd/-
CHAIRMAN

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MEMBER / PRR