

RECORD OF PROCEEDINGS DATED 16-11-2022

**RP No. 8 of 2022 in OP No. 21 of 2015
& OP No. 19 of 2016**

Hinduja National Power Corporation Limited Vs. APEPDCL and Others

Review petition filed under Section 94(1)(f) read with Order 47 Rule 1 of the Code of Civil Procedure, 1908 and Regulation 49 of the Andhra Pradesh Electricity Regulatory Commission (Conduct of Business) Regulations, 1999 for review of common order dated 01.08.2022 passed in Petition O.P. No. 21 of 2015 and O.P. No. 19 of 2016.

Sri L.Venkateswara Rao, counsel representing Sri P.Ravi Charan, learned counsel for the Petitioner and Sri P.Shiva Rao, learned Standing Counsel for the respondents, are present at the hearing.

Further time for filing counter is requested by Sri P Shiva Rao learned standing counsel for the respondent. Accordingly, four week's time is granted for filing counter.

Call on 01-02-2023.

Sd/-
MEMBER/TRS

Sd/-
CHAIRMAN

Sd/-
MEMBER/PRR

**OP No. 53 of 2022
M/s. Bharat Heavy Electrical Limited Vs. APTRANSCO & others**

Petition filed U/Sec 86(1)(f) of Electricity Act, 2003 to direct the Respondents to pay sum of Rs. 1,95,75,929/- (Rupees One Crore, Ninety Five Lakhs, Seventy Five Thousands, Nine hundred and Twenty Nine only) together with interest at 10% Per Annum towards the cost of the energy supplied to the respondents

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

Counter is filed by the respondents. Three week's time for rejoinder is sought for by the learned counsel for the petitioner.

Call on 01-02-2023.

Sd/-
Member/TRS

Sd/-
Chairman

Sd/-
Member/PRR

OP No. 33 of 2022
CMD / APTRANSCO & CGM / Commercial / APTRANSCO(iii)
Vs.

M/s Bharath Wind Farms Ltd. & others

This petition is filed against the non-conventional energy developers such as wind, biomass, bagasse, mini hydel etc., entered into "Power Wheeling and Purchase Agreement" with the Petitioners at 33KV grid level for non-payment of transmission charges.

Sri P.Shiva Rao, learned Standing Counsel for the petitioners; Sri K.Gopal Chaudary, learned counsel representing respondents 4, 5, 6, 8 and 18; Sri Sultan, learned counsel for respondents 1, 12,13 and 14; Sri Deepak Chowdary, counsel representing Sri Challa Gunaranjan, learned counsel for respondents 9,10; Smt. G.Malati, learned counsel for respondent No.11; Sri J.V.Niranjan, learned counsel for respondent No.16; Mrs. B.Poojitha, learned counsel for respondent No.17 are present at the hearing.

All the respondents, except respondent No.3 have been served. It has been brought to the Notice of the Commission that respondent No.3-Suddalagunta Sugars Ltd., has been closed down.

Sri P.Shiva Rao, learned Standing Counsel for the Petitioners, has undertaken to take publication of Notice on respondent No.3. Three week's time for this purpose is granted.

At the request of Sri P.Shiva Rao, four week's time for filing Counter in the I.A.s, filed by some of the respondents, raising preliminary objections, is granted.

Call on 01-02-2023.

Sd/-
Member/TRS

Sd/-
Chairman

Sd/-
Member/PRR

OP No. 32 of 2022 & IA No. 1 of 2022
Bright Solar Renewable Energy Private Limited Vs. APSPDCL, APSLDC & APPCC

Petition filed under Sections 86(l)(b) and 86(l)(f) of the Electricity Act, 2003 for adjudication of disputes arising out of the Power Purchase Agreement dated 04.12.2014 between Southern Power Distribution Company of Andhra Pradesh Limited and M/s Brightsolar Renewable Energy Private Limited seeking issuance of appropriate order(s)/ direction(s) from this Hon'ble Commission to direct the Southern Power Distribution Company of Andhra Pradesh Limited to

pay the outstanding dues in terms of the invoices raised by the Petitioner herein along with the late payment surcharge and opening of Letter of Credit

Application filed under section 94(2) of the Electricity Act, 2003 read with Regulation 55 of the APERC (Conduct of Business) Regulations, 1999 for interim relief

Sri Hemanth Sahai, 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, learned Standing Counsel for the respondents, submitted that order dated 12-10-2022 has been complied with and the admitted amount of Rs.18.00 crores has been paid.

Sri Hemanth Sahai, learned counsel for the Petitioner, however, submitted that as per the respondents' own admission, a sum of Rs.32.41 crores is due and payable upto May, 2022; and that the respondents are also committing default in payment of regular monthly bills, resulting in accumulation of further arrears. In support of his submission, the learned counsel has placed reliance on a letter dated 04-8-2022 addressed by the Chief General Manager, Finance, APPCC, Vijayawada. A perusal of this letter indicates that a sum of Rs.32.41 crores upto May, 2022 is due and that the said amount is proposed to be paid in 12 instalments.

The learned counsel for the petitioner submitted that the respondents have obviously invoked Government of India Notification 36 of 2022, which per se has no application for the reason that the LPS Rules do not apply wherever the dues are covered by the Court Orders; and that, in the instant case, this Commission has passed orders for payment.

Prima facie, we find force in the submission of the learned counsel for the petitioner. On 12-10-2022 this Commission has clearly directed the petitioner to pay the balance dues as on 31-12-2021, excluding LPS, if any, and the sum of Rs.6.60 crores towards erection of additional panels, within one month. As regards the letter dated 04-8-2022, as shown therein, the dues of Rs.32.41 crores were upto May, 2022.

However, the interim order passed by us directed payment of arrears as on 31-12-2021. The respondents are, therefore, directed to compute arrears due as on 31-12-2021, afresh, and pay the balance, if any, found payable within one month from today.

Call on 28-11-2022 along with OP No.112 of 2021 and batch for hearing.

Sd/-
Member/TRS

Sd/-
Chairman

Sd/-
Member/PRR

Revision Petition No. 1 of 2022
Sri. Mahaveer Kumar & three others Vs. District Collector, Guntur Collectorate & four others

(This Revision Petition is filed under Rule 13(2) of the Andhra Pradesh Works of Licensee Rules 2007)

Sri Mandapati Murali Krishna, learned counsel for the Petitioners and Sri P.Shiva Rao, learned Standing Counsel for the respondents, are present at the hearing.

There is a serious dispute as to - whether the respondents have merely substituted two rusted iron poles or erected new poles with struts occupying the petitioner's land?

As the findings of the Collector do not appear to have been supported by proper evidence and the same being based on the averments of the respondents, we feel it appropriate to depute one of the Officers of this Commission to locally inspect the premises in question in order to find out whether only two rusted poles have been replaced or fresh poles have been erected along struts; if so, how many new poles are erected.

Sri P.Rajanikanth Reddy, Deputy Director (Planning and Power Procurement) is authorised to inspect the premises in the presence of the representative of the petitioner and local Officers of the respondent. The Inspecting Officer shall measure the area occupied by the new poles, if any, erected. The Inspecting Officer shall also peruse the record and prepare his report based on his local inspection and also on the record. He

shall issue Notice to both the parties and fix a date for Inspection. This process shall be completed within four weeks. The Superintending Engineer, APCPDCL, Guntur, shall make necessary arrangements for the local travel and stay of the Inspecting Officer and extend required courtesies during his stay.

Call on 08-2-2023.

Sd/-
MEMBER/TRS

Sd/-
CHAIRMAN

Sd/-
MEMBER/PRR

OP No 42 of 2022

Amaravathi Textiles Pvt Ltd., Vs. APSPDCL

Petition filed under Section 86(1)(f) of the Electricity Act, 2003 r/w APERC (Conduct of Business) Regulations, 1999 seeking direction to the respondent for releasing payment against the outstanding monthly invoices towards sale of energy along with delayed payment surcharge on such delayed payments, payment of amounts deducted towards 1% rebate from monthly invoices and interest on delayed payment as per articles 2.2 and 5.2 of the PPA dated 04-12-2014

OP No. 112 of 2021

M/s. Walwhan Renewable Energy Ltd Vs. APSPDCL,

Petition filed under section 42, 86 (1)(e) read with section 86 (1) (f) of the Electricity Act, 2003 seeking adjudication of various disputes that have arisen between the petitioner and respondents i.e. APSPDCL, APSLDC & APTRANSCO

Sri Shri Venkatesh, learned counsel for the Petitioner and Sri P.Shiva Rao, learned standing counsel for the respondent, are present at the hearing.

OP No. 9 of 2022 & IA No. 1 of 2022

OP No.10 of 2022 & IA No. 1 of 2022

OP No. 11 of 2022 & IA No. 1 of 2022

M/s. Greenko Solar Power (Dharmavaram) Ltd., Vs. APSPDCL

M/s. SEI Arushi Private Ltd., Vs. APSPDCL

M/s.SEI Green Flash Private Ltd., Vs. APSPDCL

Petitions filed under Section 86(1) (e) & (f) of the Electricity Act, 2003 seeking directions to the Respondents to pay the outstanding amounts and Late Payment Surcharges, among others.

IAs are filed by the petitioners under section 94(2) of the Electricity Act, 2003 r/w Regulation 55 of the APERC (Conduct of Business) Regulations, 1999, seeking interim directions against the respondent.

OP No. 43 of 2022
Azure Power Infrastructure Pvt. Ltd., Vs. APSPDCL

Petition filed under Section 86(1)(f) of the Electricity Act, 2003 read with the relevant provisions of the Power Purchase Agreement dated 05.12.2014 seeking direction to the Respondent for making payment of the arbitrarily and illegally deducted amounts by it from the invoices of the Petitioner for the period from December 2019 to June 2021 on the pretext of alleged installation of additional modules by the Petitioner than allowed under the PPA and also seeking further direction to restrain the Respondent from undertaking any such illegal deduction from the future invoice(s) for the period beyond June 2021.

Sri M.Sridhar, counsel representing Sri Challa Gunaranjan, learned counsel for the Petitioner in OP No.42 of 2022; Sri M. Sri Shri Venkatesh, learned counsel for the Petitioner in OP No.112 of 2021; Sri Aniket Prasoon, learned counsel for the Petitioners in O.P No.43 of 2022; Sri Sri K.Gopal Chowdary and Sri V.Akshaya Babu, learned counsel for the Petitioners in OP No. 9, 10 and 11 of 2022; and Sri P.Shiva Rao, learned Standing Counsel for the respondent, are present at the hearing.

Sri Shri Venkatesh, learned counsel for the petitioner in OP No.112 of 2021 has made elaborate submissions.

Sri K.Gopal Chowdary, Sri Aniket Prasoon, Sri Hemanth Sahai and Sri V.Akshaya Babu, learned counsel for the petitioners in other cases, also seek to advance their submissions.

Call these cases on 28-11-2022 (Monday).

Sd/-
Member/TRS

Sd/-
Chairman

Sd/-
Member/PRR

RP No. 3 of 2022 in OP No. 30 of 2020
M/s Tadas Wind Energy Pvt Ltd., Vs. APSPDCL

Petition filed under section 94(1)(f) of the Electricity Act, 2003 read with Order 47 Rule 1 of the CPC, 1908 and Regulation 49 of the AP Electricity Regulatory Commission (Conduct of Business) Regulations, 1999 for review of the final order dated 02-02-2022 passed in OP No. 30 of 2020 .

Ms.Shreya, learned counsel representing Sri Avijeet Lala, learned counsel for the Petitioner; and Sri P.Shiva Rao, learned Standing Counsel for the respondents, are present at the hearing.

Review Petition allowed, Order dated 2-2-2022 is set aside and OP restored to file. (Vide separate order)

Sd/-
MEMBER/TRS

Sd/-
CHAIRMAN

Sd/-
MEMBER/PRR