

**Record of proceedings dated 16-09-2020**

**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, Ms. Mazag Andrabi, learned counsel, Sri Jeevan Kumar, learned counsel representing Sri P. Vikram are present on behalf of some of the objectors at the web hearing.

Learned counsel for both parties informed that the Hon'ble High Court of AP has granted an interim order suspending G.O.Ms. No.35, dt.18-11-2019 based on which these O.Ps. are filed. Therefore hearing of these cases is deferred *sine die*,

however, with liberty to either party to move the Commission for hearing the case, based on the result of the case pending before the Hon'ble High Court of AP.

Sd/-  
MEMBER / TRS

Sd/-  
CHAIRMAN

Sd/-  
MEMBER / PRR

**O.P.No.30 of 2020**

M/s. Tadas Wind Energy Pvt. Ltd Vs. APSPDCL

Petition under Section 86(1)(b), Section 86(1)e) and Section 86 (1)(f) of the Electricity Act, 2003 filed on behalf of M/s. Tadas Wind Energy Private Limited for immediate strict compliance by Southern Power Distribution Company of Andhra Pradesh Limited with the provisions of the various Power Purchase Agreements entered into between the parties and release of Amount Due.

Ms. Sakya Sinha, learned Counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the respondent are present at the web hearing.

Sri P. Shiva Rao requested for two weeks' time for filing counter affidavit. On receipt of the counter affidavit, the petitioner may file rejoinder, if any, within ten days. As the dispute in the O.P. is limited to non-payment of the alleged admitted arrears, the O.P. is posted to 28-10-2020 for hearing.

Sd/-  
MEMBER / TRS

Sd/-  
CHAIRMAN

Sd/-  
MEMBER / PRR

**I.A.No.21 to 33 2020 in O.P.Nos.21 to 27 of 2017; 35 of 2017; 1 & 7 of 2018; 20 to 22 of 2018**

M/s.Orange Urvakonda Wind Power Pvt. Ltd Vs. APSPDCL & 2 others and Batch

Applications (13 Nos) filed by APDISCOMs seeking review of the Commission's order dated 14-06-2018 in OP Nos. 21 to 27 of 2017; 35 of 2017; 1 & 7 of 2018 and order dated 06-10-2018 in OP Nos.20 to 22 of 2018

Sri P. Shiva Rao, learned Standing Counsel for the utilities and Sri Challa Gunaranjan, learned counsel & Ms. Mazag Andrabi, learned counsel for the developers are present at the web hearing.

Ms. Mazag Andrabi, learned counsel represented that she is instructed to appear in I.A.No.31 of 2020 (APSPDCL & 2 others Vs M/s. KCT Renewable Energy) and I.A.No.33 of 2020 (APSPDCL & 2 others Vs M/s. KCT Renewable Energy Pvt. Ltd.,) and submitted that so far her clients have not received the petitions filed by the Discoms. The respondents in other I.As. are not represented. Notices to the respondents in other I.As. only. Sri P. Shiva Rao has undertaken to serve copies of the petitions to all the respondents within one week from today. Call these I.As. on 04-11-2020 for filing counter affidavits.

Sd/-  
MEMBER / TRS

Sd/-  
CHAIRMAN

Sd/-  
MEMBER / PRR

**O.P.No.31 of 2020**  
**APPDCL Vs. APSPDCL & APEPDCL**

Petition u/s 86 (1) (f) r/w Section 62 for resolving the issues in the matter of operational parameters and variable cost for sub-critical and super-critical operation for procurement of power from 2 x 800 MW Sri Damodaram Sanjeevaiah Thermal Power Station (SDSTPS)

Sri K. Gopal Choudary, learned counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the utilities are present at the web hearing.

Sri P. Shiva Rao requested for time for filing counter affidavit. On receipt of the counter affidavit, the petitioner may file its rejoinder, if any. Post along with O.P.No.53 of 2019 & batch on 07-10-2020.

Sd/-  
MEMBER / TRS

Sd/-  
CHAIRMAN

Sd/-  
MEMBER / PRR

**O.P.No.36 of 2020 & I.A.No.35 of 2020**

M/s. Dalma Cement (Barat) Ltd Vs. APTRANSCO, APSPDCL & APEPDCL

Petition under Section 86 (1) (e) of the Electricity Act, 2003 r/w Clauses 9 & 10 of the APERC (Compliance by Purchase of Renewable Energy / Renewable Energy Certificates) Regulations, 2017 and Clause 57 of the APERC (Conduct of Business) Regulations, 1999 seeking exercise of power to issue directions to remove difficulty in implementation of the RPPO Regulations.

Application for interim relief u/s 86 (1) (e) of the Electricity Act, 2003 r/w Clause 55 of the APERC (Conduct of Business) Regulations, 1999 seeking protection from any coercive steps taken by the respondent against the petitioner during the pendency of present proceedings

Sri Manu Seshadri, learned counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the utilities are present at the web hearing.

Sri P. Shiva Rao requested for time for filing counter affidavit. On receipt of the counter affidavit, the petitioner may file its rejoinder, if any. Call on 04-11-2020.

Sd/-  
MEMBER / TRS

Sd/-  
CHAIRMAN

Sd/-  
MEMBER / PRR

**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

Interlocutory application filed by APSLDC (R-4) under Clause 55 of APERC (Conduct of Business) Regulations to reject the O.P.No.43 of 2019 on the ground that it is barred by law of limitation of 3 years

Sri Jeevan Kumar, learned counsel representing Sri P. Vikram, learned counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the public utilities are present at the web hearing.

At the request of the learned counsel representing Sri P. Vikram, call on 04-11-2020 for hearing.

Sd/-  
MEMBER / TRS

Sd/-  
CHAIRMAN

Sd/-  
MEMBER / PRR

**O.P.No.9 of 2020**

M/s.Vibrant Greentech India Pvt Ltd. Vs APSPDCL & 2 others

Petition U/Sec. 86(1)(b) r/w 86 (1) (f) of the Electricity Act, 2003 R/w APERC (Conduct of Business) Regulations, 1999 to direct the APSPDCL to act upon the PPA dt.30-03-2017 entered into with the petitioner for purchase of power from its 4.25 MW wind power project and to direct to pay for the power generated and supplied from the petitioner's project, for the period from the date of COD i.e., 30-03-2017 onwards along with interest and to direct APSPDCL to open irrevocable revolving letter of credit as per Article 5.4 of PPA dated 30-03-2017

**I.A.No.10 of 2020 in O.P.No.9 of 2020**

M/s.Vibrant Greentech India Pvt Ltd. Vs APSPDCL & 2 others

Application filed under Section 94(2) r/w 86(1) (b) and 86(1) (f) of the Electricity Act, 2003 read with APERC (Conduct of Business) Regulations, 1999 seeking directions to APSPDCL to make payment for the power supplied by the petitioner's 4.25 MW Wind Power Project (WPP) during the pendency of O.P.No.9 of 2020 at an appropriate interim tariff.

**I.A.No.11 of 2020 in O.P. No.9 of 2020**

M/s.Vibrant Greentech India Pvt Ltd. Vs APSPDCL & 2 others

Application filed under Section 94(2) r/w 86(1) (b) and 86(1) (f) of the Electricity Act, 2003 read with APERC (Conduct of Business) Regulations, 1999 seeking directions to the respondents to reconnect the petitioner's 4.25 MW WPP and to account the energy exported from the petitioner's project.

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.

Sri Challa Gunaranjan submitted that his client is proposing to file additional evidence. He is permitted to file an application for this purpose. The respondents are permitted to file their counter affidavit, if any. Call on 14-10-2020.

Sd/-  
MEMBER / TRS

Sd/-  
CHAIRMAN

Sd/-  
MEMBER / PRR