

Record of proceedings dated 16-11-2019

Draft order dated 22-03-2019 in the matter of determination of variable cost for the period from 01-04-2019 to 31-03-2024 in respect of the existing Biomass, Industrial Waste and Bagasse based power plants.

Sri P. Shiva Rao, learned Standing Counsel for the utilities, Sri K. Gopal Choudary, learned counsel for M/s. Sri Venkata Sridevi Power LLP and Sri Challa Gunaranjan, learned counsel for M/s. CKR Associates are present.

We have heard Sri K. Gopal Choudary, learned counsel for M/s. Sri Venkata Sridevi Power LLP, Sri Challa Gunaranjan, learned counsel representing M/s. CKR Associates and Sri P. Shiva Rao, learned Standing Counsel for the utilities. After a considerable length of hearing, the issue that could be delineated is whether this Commission has to adopt its own methodology for arriving at the fuel price or follow Central Electricity Regulatory Commission determination of tariff and arrive at the base fuel price for FY 2019-20 by indexation. According to Sri K. Gopal Choudary, the latter method is to be adopted by which the base fuel price would be Rs.3423.63 ps per MT. Sri P. Shiva Rao, learned Standing Counsel has disputed this figure. Before determining the methodology, it is felt appropriate that the officer concerned of this Commission shall calculate the fuel price based on indexation taking into account Rs.3196 per MT as price prevailing in FY 2018-19.

Call on:

20-12-2019
at 11:00 AM

Sd/-
MEMBER / PRM

Sd/-
CHAIRMAN

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O.P.No.33 of 2019
APSPDCL & APEPDCL Vs APGENCO

Petition u/s 86 (1) (b) of the Electricity Act, 2003 read with Section 21 (4) of the A.P. Reforms Act, 1998 requesting for granting consent to the Amended and Restated PPA dated 28-01-2019 in respect of 600 MW Rayalaseema Thermal Power Project (RTPP) - Stage IV at Muddanur, Cuddapah District.

Sri P. Shiva Rao, learned Standing Counsel for the petitioners, Sri K. Gopal Choudary, learned counsel for the respondent and Sri M. Venugopala Rao, learned objector are present.

This application is filed for approval of Power Purchase Agreement between Southern Power Distribution Company of Andhra Pradesh Limited and Eastern Power Distribution Company of Andhra Pradesh Limited on the one side and of Andhra Pradesh Power Generation Corporation Limited (for short "APGENCO") on the other side. During the hearing Sri M.Venugopala Rao, one of the objectors strongly pleaded that the issue of tariff is a substantial issue even for opposing grant of permission to enter into Power Purchase Agreement between the Distribution Companies and the APGENCO and that therefore it is appropriate to hear this application along with common application stated to have been filed by the APGENCO for determination of tariff. Sri K. Gopal Choudary and Sri P. Shiva Rao have not opposed this request. Therefore, we find it appropriate to hear both the Original Petitions together. Accordingly, the office shall place the common Original Petition stated to have been filed by the APGENCO for determination of tariff for considering the Power Purchase Agreement on hand and also for determining the tariff relating to the Power Purchase Agreement in question.

Call on:

07-12-2019
at 11:00 AM

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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, Sri M. Venugopala Rao and Sri R. Shiva Kumar, FAPCCI, learned objectors are present.

Sri P. Shiva Rao, learned Standing Counsel for utilities requested for further time for filing response.

Call on: 07-12-2019
at 11:00 AM

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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, Sri M. Venugopala Rao and Sri R. Shiva Kumar, FAPCCI, learned objectors are present.

Sri P. Shiva Rao, learned Standing Counsel for utilities requested for further time for filing response.

Call on: 07-12-2019
at 11:00 AM

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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, Sri M. Venugopala Rao and Sri R. Shiva Kumar, FAPCCI, learned objectors are present.

Sri P. Shiva Rao, learned Standing Counsel for utilities requested for further time for filing response.

Call on: 07-12-2019
at 11:00 AM

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R.P.No.1 of 2019 in O.P.No.30 of 2018
M/s.Tirumala Cotton & Agro Products Limited and M/s. Ravali Spinners Pvt Ltd Vs
APTRANSCO, APSPDCL & APEPDCL

Petition under Regulation 49 of the APERC (Conduct of Business) Regulations, 1999
r/w Section 94 (f) of the Electricity Act, 2003 seeking review of the order dated
08-03-2019 passed by the Commission in O.P.No.30 of 2018 with respect to the
Transmission Tariff of Wind Generators / Users for Captive purpose for FY 2019-20
to 2023-24

Sri Challa Gunaranjan, learned counsel for the petitioner, Sri P. Shiva Rao, learned Standing Counsel for the respondents and Sri R. Shiva Kumar, representing FAPCII & AP Spinning Mills Association are present.

Sri P. Shiva Rao, learned Standing Counsel for the utilities submitted that counter affidavit is filed today. Sri Challa Gunaranjan, learned counsel for the petitioner requested time for filing rejoinder, if any.

Call on: 03-12-2019
at 11:00 AM

Sd/-
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R.P.No.3 of 2019 in O.P.Nos.28 & 29 of 2018
M/s.Tirumala Cotton & Agro Products Limited and M/s. Ravali Spinners Pvt Ltd Vs
APSPDCL & APEPDCL

Petition under Regulation 49 of the APERC (Conduct of Business) Regulations, 1999 r/w Section 94 (f) of the Electricity Act, 2003 seeking review of the order dated 15-04-2019 passed by the Commission in O.P.No.28 & 29 of 2018 with respect to the Wheeling Tariff of Wind Generators / Users for Captive purpose for FY 2019-20 to 2023-24

Sri Challa Gunaranjan, learned counsel for the petitioners, Sri P. Shiva Rao, learned Standing Counsel for the respondents and Sri R. Shiva Kumar, representing FAPCII & AP Spinning Mills Association are present.

Sri P. Shiva Rao, learned Standing Counsel for the utilities submitted that counter affidavit is filed today. Sri Challa Gunaranjan, learned counsel for the petitioner requested time for filing rejoinder, if any.

Call on:

03-12-2019
at 11:00 AM

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MEMBER / PRM

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

This Commission has earlier expressed its firm view that the value of the land allotted to APGENCO and A.P. Solar Power Corporation Limited jointly needs to be reduced in public interest in order to afford a reasonable tariff to the consumer public. Unfortunately the case underwent umpteen number of adjournments for the purported reason that the Government has not responded to the correspondence addressed by the distribution companies. In our opinion, it is appropriate to issue

notice to the Government represented by Secretary, Revenue Department, AP Secretariat Complex, Velagapudi (Village) – 522 503, Tulluru Mandal, Guntur District, so that the Commission would know the Government's stand before proceeding with the determination of tariff.

Call on:

07-12-2019
at 11:00 AM

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In the matter of amendment to the Andhra Pradesh Electricity Regulatory Commission (Conduct of Business) Regulations, 1999

No objections have been received. Order reserved.

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CHAIRMAN

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MEMBER / PR

O.P.No.42 of 2019
M/s. Srivathsa Power Projects Pvt Ltd Vs APEPDCL

Petition filed u/s 86 (1) (b) of the Electricity Act, 2003 r/w Clause 55 of APERC (Conduct of Business) Regulations to reconsider the fixation of variable cost on pass through basis instead of variable rate of Rs.2.91/- per unit in respect of the petitioner.

Sri U. Suman, learned counsel for the petitioner, Sri P. Shiva Rao, learned Standing Counsel for the respondent and Sri M. Venugopala Rao are present.

Rejoinder has not been filed. The issue raised in this O.P., viz., the tariff cost to be provided as a pass-through is also raised in I.A.No.3 of 2019 in O.P.No.8 of 2018. Therefore, it is appropriate to hear this O.P. along with the said O.Ps., which were stated to have been posted to 03-12-2019.

Call on:

03-12-2019
at 11:00 AM

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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 Challa Gunaranjan, learned counsel for the petitioner, Sri P. Shiva Rao, learned Standing Counsel for the utilities and Sri M. Venugopala Rao, learned objector are present.

Rejoinder is filed. Sri M. Venugopala Rao, one of the objectors stated that he has not received the rejoinder. Sri Challa Gunaranjan, learned counsel for the petitioner has undertaken to serve a copy thereof to the objector.

Call on: 09-12-2019
at 11:00 AM

Sd/-
MEMBER / PRM

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CHAIRMAN

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MEMBER / PR

O.P.No.30 of 2019
M/s. Sree Rayalaseema Green Energy Ltd Vs CMD / APSPDCL & SE / Operation
Circle / APSPDCL / Kurnool

Petition under Section 86 (1) (f) of the Electricity Act, 2003 claiming interest for late payment of energy bills by the Distribution Licensee, as per Article 7 sub-section 7.3 of the Power Purchase & Wheeling Agreement

Sri P. Shiva Rao, learned Standing Counsel for the utilities is present.

None appears for the petitioner. Post on 09-12-2019. It is made clear that on the next date of hearing, if the petitioner is not represented, the Commission may exercise the option of closing the O.P.

Call on: 09-12-2019
at 11:00 AM

Sd/-
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MEMBER / PR

O.P.No.34 of 2019

M/s. JSW Power Trading Company Ltd Vs APSPDCL
Petition under Sections 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 D. Guru (AR) and Jyoti Prakash Panda of the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the respondent are present.

Sri Suraj D. Guru (AR) of the petitioner advanced his submissions. He disputed the stand of the respondent that bills from Sl.Nos.1 to 30 of Annexure-A (wrongly shown as Annexure-I in the counter affidavit) are barred by limitation. He however sought for an adjournment for placing before the Commission judicial pronouncements, if any, in support of his stand.

Call on:

23-11-2019
at 11:00 AM

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O.P.No.49 of 2017

M/s. Southern Rocks & Minerals Pvt. Ltd Vs APSLDC & 2 others

Petition under Section 86(1) (f) of the Electricity Act, 2003 r/w Clause 15 of Regulation 2 of 2006 & APERC (Conduct of Business) Regulations, 1999 to declare the date of commissioning of its solar plant (1.03 MW) as 16-06-2016 and to extend the benefits and incentives provided under G.O.Ms.No.8 dated 12-02-2015 as adopted in Regulation No.1 of 2016 & Regulation No. 2 of 2016 by allowing banking facility and scheduling of energy enabling petitioner to utilize the same for its captive use

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

Learned counsel for both parties submitted that pleadings are completed. They requested for taking up the case for hearing.

Call on:

09-12-2019
at 11:00 AM

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O.P.No.31 of 2019
M/s. Azure Power Infrastructure Private Limited Vs APSPDCL

Petition under Section 86 (1) (a) and (b) read with Section 86 (1) (f) of the Electricity Act, 2003 and Article 13 read with Article 11.4 of the Power Purchase Agreement executed between the petitioner and respondent dated 05-12-2014 seeking relief on account of "Change in Law" viz., the introduction of Goods and Services Tax Laws at the Central level and change in the rate of Service Tax, resulting in additional recurring expenditure in the form of an additional tax burden to be borne by the petitioner after the Effective Date of the Power Purchase Agreement

Sri M. Sridhar, learned counsel representing Sri Challa Gunaranjan, learned counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the respondent are present.

It is represented that Central Electricity Regulatory Commission's order on which reliance is placed by the petitioner is the subject matter of appeal before the Hon'ble Appellate Tribunal for Electricity and that the same is pending. Hence, the case is deferred *sine a die* with liberty to either party to seek posting of the case as and when the appeal is disposed of.

Sd/-
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Sd/-
CHAIRMAN

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MEMBER / PR

O.P.No.36 of 2019
M/s. Ramagiri Renewable Energy Limited Vs APPCC & 2 others

Petition under Section 86 (1) (b) of the Electricity Act, 2003, read with read with the APERC (Conduct of Business) Regulations (Regulation 2 of 1999) for revision of approval for procurement of power with effect from 14-05-2018 by amending the approval dated 19-06-2018 and claiming for payment of amounts at a tariff of Rs. 2.33 / unit between the period of reconnection of supply and execution of amended PPA

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

Sri P. Shiva Rao, learned Standing Counsel for the respondents sought for a short adjournment to verify whether the fact that reconnection was made on 14-05-2018

was brought to the notice of this Commission before approval of the Power Purchase Agreement was granted by it.

Call on:

09-12-2019
at 11:00 AM

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O.P.No.29 of 2019

M/s. Satya Maharshi Power Corporation Limited Vs APSPDCL & 3 others

Petition under Section 86 (1) (f) of the Electricity Act, 2003 and APERC (Conduct of Business) Regulations, 1999 for direction of payment of interest towards on delayed payment of power bills for the Financial Years 2016-17, 2017-18 in terms of PPA dated 10-05-2019

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

Orders pronounced (*vide separate order*)

Sd/-
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CHAIRMAN

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MEMBER / PR

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.

At request of both parties, the matter is posted to 14-02-2020.

Call on:

14-02-2020
at 11:00 AM

Sd/-
MEMBER / PRM

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CHAIRMAN

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MEMBER / PR

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

Interlocutory Application filed for interim directions in the main petition

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

Affidavit of the Chief Engineer / APSLDC as directed by the order dated 02-11-2019 is filed. Learned counsel for the petitioner requested for time for filing rejoinder.

Call on: 09-12-2019
at 11:00 AM

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O.P.No.61 of 2019 & I.A.No.20 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

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

Counter Affidavit is filed. Sri Aniket Prasoon, learned counsel for the petitioner requested for time for filing rejoinder.

Call on:

20-12-2019
at 11:00 AM

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CHAIRMAN

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