

RECORD OF PROCEEDINGS DATED 17-08-2022

OP No. 44 of 2022

Jaliparthi Srinivasa Rao & Ors Vs. Collector, NTR District, CMD APTransco & another

Petition filed under Electricity Act, 2003 Andhra Pradesh Works of Licence Rules, 2007, to direct the respondent to fix RoW land damages compensation for @250% with interest to the petitioners' land within 30 days.

Sri P.Chengal Reddy, learned counsel for the petitioners and Sri P.Siva Rao, learned Standing counsel for the respondent Nos.2 and 3 (APTRANSCO), are present at the hearing.

Sri P. Siva Rao, learned Standing counsel for respondents 2 and 3 requested four weeks' time for filing counters. Time is, accordingly, granted.

Call on 21-9-2022.

**Sd/-
Member/TRS**

**Sd/-
Chairman**

**Sd/-
Member/PRR**

OP No. 45 of 2022

Ch.Venugopala Rao Vs. Collector, NTR District, CMD APTransco & another

Petition filed under Electricity Act, 2003 Andhra Pradesh Works of Licence Rules, 2007, GO Ms.No. 24 dt 27-02-2007 to direct the District Collector, Krishna to enhance the existing compensation at least to a minimum compensation of Rs.17,58,350/- as per Section 26 of 2013 LARR Act

Sri P.Chengal Reddy, learned counsel for the petitioner and Sri P.Siva Rao, learned Standing counsel for the respondent Nos.2 and 3 (APTRANSCO), are present at the hearing.

Sri P. Siva Rao, learned Standing counsel for respondents 2 and 3 requested four weeks' time for filing counters. Time is, accordingly, granted.

Call on 21-9-2022.

**Sd/-
Member/TRS**

**Sd/-
Chairman**

**Sd/-
Member/PRR**

RP No. 2 of 2022 in Proceedings No. 11/T-52/2021 dt. 26-10-2021
Lanco Kondapalli Power Limited Vs APSPDCL & Ors.

Petition filed u/s 94(1)(f) of the Electricity Act, 2003 r/w Regulation 49 (1) of the APERC (Business Rules of the Commission), 1999 seeking review of order dated 26-10-2021 in Proceedings No. 11/T-52/2021

Sri P. Somasekhara Naidu, learned counsel for the review petitioner; and Sri P.Siva Rao, learned Standing counsel for the respondents, are present at the hearing.
(Review petition is allowed, vide separate order)

Sd/-
Member/TRS

Sd/-
Chairman

Sd/-
Member/PRR

RP No. 4 of 2022 in OP No. 52 of 2019
APPDCL Vs. APDISCOMs

Petition filed for review of of the order dated 13-08-2020 passed in OP 52 of 2019 with respect to payment of fixed charges on normative availability of power of 85% of the capacity and the incentive also to commence from above 85%

Sri K.Gopala Chowdary, learned counsel for the petitioner; and Sri P.Siva Rao, learned Standing counsel for the respondents, are present at the hearing.

Sri P.Siva Rao, learned Standing counsel for the Utilities, submitted that at the instance of the Government, the issue is being reconsidered. He, therefore, requested for an adjournment for reporting the outcome.

Call on 07-9-2022.

Sd/-
Member/TRS

Sd/-
Chairman

Sd/-
Member/PRR

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

Petition under Section 86(1)(0 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 Nimesh Jha, learned counsel representing Sri Aniket Prasoon, learned counsel for the petitioner; and Sri P.Siva Rao, learned Standing counsel for the respondent, are present at the hearing.

Counter is filed.

At the request of the learned counsel for the petitioner, call on 12-10-2022 for rejoinder.

Sd/-
Member/TRS

Sd/-
Chairman

Sd/-
Member/PRR

OP No. 93 of 2021
M/s Axis Wind farms (MPR Dam) Vs. APSPDCL

OP No. 94 of 2021
M/s Saipuram Wind Energies Pvt Ltd. Vs. APSPDCL

OP No. 95 of 2021
M/s JED Solar Parks Pvt. Ltd., Vs. APSPDCL

OP No. 96 of 2021
M/s Skeiron Renewable Energy Amidyala Ltd., Vs. APSPDCL

OP No. 97 of 2021
M/s Animala Wind Power Pvt Ltd., Vs. APSPDCL

OP No. 98 of 2021
M/s Poly Solar Parks Pvt. Ltd. Vs. APSPDCL

OP No. 99 of 2021

M/s Vayuputhra Energy Pvt Ltd., Vs. APSPDCL

OP No. 100 of 2021

M/s Sandla Wind Project Pvt. Ltd., Vs. APSPDCL

OP No. 101 of 2021

M/s Guttaseema Wind Energy Company Pvt Ltd., Vs. APSPDCL

Petitions under Section 86 (1) (e) & (f) of the Electricity Act, 2003 r/w Regulation 55 of APERC (Conduct of Business) Regulations, 1999, as amended r/w Article 10 of PPA seeking outstanding dues, late payment interest etc.

We have heard Sri Akshaya Babu, learned counsel for the petitioners in these OPs., and Sri P.Shiva Rao, learned Standing Counsel for the Utilities/respondent.

The respondent has filed counters in all these matters. In para 11 of the counter in OP No.93 of 2021, it is stated as under:

“ As far as the claim of the Petitioner about outstanding dues it is submitted that the petitioner is claiming for an amount of Rs.195,07,64,872/- towards unpaid power supply bills up to the month of May 2021. In this connection it is submitted that the petitioner was addressed vide letter dt.04-08-2022 to depute the authorised person to APPCC for reconciliation of the dues and for finalisation of the total dues payable to them and informed that Discoms are approaching for Financial Institutions for financial support as per the rules issued by MOP vide: (1) MoP, GoI, Notification dated 03-06-2022 and No.23/22/2019-R&R(Part-4A), Dated: 06-06-2022 and (2). No.10/3/2022-UR&SI-II-(E-263775), MoF, GoI, Dt: 06-07-2022. Further it was proposed for payment of outstanding dues in 12 monthly instalments. Accordingly, an amount of Rs.17,23,51,372/- was paid to the petitioner on 06-08-2022. As per the MOP Orders remaining outstanding dues will be paid in 11 monthly instalments after finalisation of reconciliation with the petitioner. The respondent would submit the correct amount of outstanding dues through additional counter during the course of time”.

Sri Akshaya Babu submitted that while the petitioners have strong reservations about the unilateral decision of the respondent to pay the admitted arrears in twelve monthly instalments, pending the O.Ps., and without prejudice to their contentions raised therein, the petitioners may be permitted to receive the amounts being offered

by the respondent in twelve instalments and that the issues raised by the petitioners regarding the LPS etc., may be adjudicated in the O.Ps., in due course.

In the light of the above submission, while placing on record the averments in paragraph 11 of the counter as extracted above, the O.Ps., are adjourned for hearing. The date of hearing will be notified in due course. Meanwhile, the petitioners may file their rejoinders.

**Sd/-
Member/TRS**

**Sd/-
Chairman**

**Sd/-
Member/PRR**

**OP No. 35 of 2022
Tirumala Cotton and Agro Products Pvt Ltd., Vs. APPCC, APSPDCL,
APTRANSCO,APSLDC**

Petition filed u/s 86(1) (e) of the electricity act, 2003 r/w clause 9 of the APERC (Conduct of Business) Regulations, 1999 to direct the respondents to make payment of an amount of Rs. 76,30,134.37/- due to the petitioner in respect of the sale invoice / bill of supply dt 06-07-2019 for the FY 2018-19 towards sale of the un-utilized banked units

Sri K.Gopala Chowdary, learned counsel representing Sri Telaprolu Sricharan, learned counsel for the petitioner; and Sri P.Siva Rao, learned Standing counsel for the respondents, are present at the hearing.

At the request of Sri K.Gopala Chowdary, learned counsel appearing for the petitioner, time for rejoinder is granted.

Call on 07-9-2022 for rejoinder.

**Sd/-
Member/TRS**

**Sd/-
Chairman**

**Sd/-
Member/PRR**

**OP No. 67 of 2021
Maddimadugu Power Pvt Ltd Vs. APSPDCL**

Petition u/s 86 (1) (f) of the Electricity Act, 2003 seeking non-payment of agreed tariff payable to the petitioner (Solar Power Developer), as per the Power Purchase

Agreement Dt.04-12-2014 with the respondent and unilaterally paying an unviable tariff of 2.44/kwh as against the escalated tariff of Rs.6.356/kwh as on 05-12-2020

Sri S.Rahul Reddy, learned counsel for the petitioner; and Sri P.Siva Rao, learned Standing counsel for the respondent, are present at the hearing.

OP is disposed of (vide separate order)

**Sd/-
Member/TRS**

**Sd/-
Chairman**

**Sd/-
Member/PRR**

**OP No. 116 of 2021
Chandulal Surajmal Vs. APTRANSCO & APSPDCL**

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 Agreement dated: 21-04-2010 and for a direction against the Respondents for the payment of the outstanding amounts

Sri A.P.Reddy, learned counsel for the petitioner; and Sri P.Siva Rao, learned Standing counsel for the respondents, are present at the hearing.

OP is disposed of (vide separate order)

**Sd/-
Member/TRS**

**Sd/-
Chairman**

**Sd/-
Member/PRR**

**O.P. No.12 of 2020 & IA No. 3 of 2020 IA No. 1 of 2021
M/s. Aaroohi Solar Private Ltd. & 4 others Vs. APSPDCL**

Petition under Section 86 (1) (f) of the Electricity Act, 2003 for adjudication of disputes arising out of the Power Purchase Agreements dated 05-12-2014 entered by them with APSPDCL and seeking directions to the APSPDCL to act in accordance with terms of the PPA in connection with charges for drawl of power by their solar power generating stations for the auxiliary consumption.

I.A. No. 3 of 2020 filed u/s 94 (2) of the Electricity Act, 2003 sought for stay on the demand notices and invoices in connection with charges for drawl of power by the generating stations for their auxiliary consumption.

IA No. 1 of 2021 - Application filed by the petitioner u/s 94 (2) of the Electricity Act, 2003 seeking appropriate direction(s) / order(s) against the respondent to not initiate any coercive or precipitative actions against the applicants, till the final disposal of the present petition

Sri Nimesh Jha, learned counsel representing the petitioners; and Sri P.Shiva Rao, learned Standing counsel for the respondent, are present at the hearing.

Sri Nimesh Jha, Advocate, submitted that he is instructed to appear in this O.P and requested time for entering appearance and filing rejoinder.

Time is, accordingly, granted.

Call on 26-10-2022.

**Sd/-
Member/TRS**

**Sd/-
Chairman**

**Sd/-
Member/PRR**

RP No. 5 of 2022 in OP No. 124 of 2021 & IA No.1 of 2022

Shree Jayalakshmi Powercorp Ltd., Vs. APCPDCL

Review Petition filed u/s 94(1)(f) of the electricity Act in OP No. 124 of 2021 seeking review of the Common Retail Supply Tariff Order dated 30-03-2022 passed in OP No. 124 of 2021 and connected cases with respect to levy of grid support charges

RP No. 6 of 2022 In OP No. 122 & 124 of 2021

M/s. Tirumala Cotton & Agro Products Pvt Ltd., Vs. APSPDCL, APCPDCL

Review of the Common Retail Supply Tariff Order dated 30-03-2022 passed in O.P Nos 122 and 124 of 2021 and connected cases with respect to levy of Grid Support Charges.

And

RP No. 7 of 2022 In OP No. 122 & 124 of 2021

M/s. Sri Dhanalakshmi Cotton & Rice Mills Pvt Ltd. Vs. APSPDCL, APCPDCL

Review of the Common Retail Supply Tariff Order dated 30-03-2022 passed in O.P Nos 122 and 124 of 2021 and connected cases with respect to levy of Grid Support Charges.

Sri K.Gopala Chowdary, learned counsel representing Sri Telaprolu Sricharan, learned counsel for the petitioners; and Sri P.Siva Rao, learned Standing counsel for the respondents, are present at the hearing.

Heard. Orders reserved.

**Sd/-
Member/TRS**

**Sd/-
Chairman**

**Sd/-
Member/PRR**

**IA No.42 of 2020 & IA No. 3 of 2021 in O.P.No. 18 of 2020
M/s. Kandaleru Power Company Ltd Vs. APSPDCL & Ors.**

Petition under Section 86 (1) (f) of the Electricity Act, 2003 r/w APERC (Conduct of Business) Regulation, 1999, seeking adoption of tariff discovered through competitive bidding for procurement of 6 MW capacity power from the petitioner's Mini Hydel Project at Kandaleru Reservoir, Kandaleru, Nellore District in terms of the PPA dated 16-02-2019

IA No. 42 of 2020 - Application filed by the petitioner u/s 142 of the EA, 2003 r/w Regulations 55 of the APERC (Conduct of Business) Regulation, 1999 for violating and dis-obeying the orders passed by the Commission dt.17-03-2020 and 26-08-2020 in IA No. 4 of 2020 in OP No. 18 of 2020

IA No. 3 of 2021 - Application filed by the petitioner under Regulation 16 r/w Regulation 55 of the APERC (Conduct of Business) Regulation 1999 to permit the petitioner to withdraw the prayers in OP No. 18 of 2020

Sri Deepak Chowdary, learned counsel representing Sri Challa Gunaranjan, learned counsel for the petitioner; and Sri P.Siva Rao, learned Standing counsel for the respondents, are present at the hearing.

At the request of the learned counsel for both the parties, call on 26-10-2022.

**Sd/-
Member/TRS**

**Sd/-
Chairman**

**Sd/-
Member/PRR**

**OP No. 13 of 2022
APSPDCL
OP No. 19 of 2022
APEPDCL
OP No. 20 of 2022
APCPDCL**

Petitions seeking to pass through Fuel & Power Purchase Cost Adjustment (FPPCA) for 2nd quarter for FY 2021-22 (July'21 to September' 21)

Sri P.Siva Rao, learned Standing counsel for the petitioners, and Sri Vijay Gopal Reddy, one of the Objectors, are present at the hearing.

Sri Vijay Gopal Reddy submitted that he has received the responses very recently and, hence, requested time for making submissions.

Call on 26-10-2022.

**Sd/-
Member/TRS**

**Sd/-
Chairman**

**Sd/-
Member/PRR**

**OP No. 59 of 2021 and IA No.1 of 2022
APEPDCL & 2 others Vs. GVK Industries Ltd & three others**

Petition u/s 86 (1) (f) of the Electricity Act, 2003 r/w Clause 55 of APERC (Conduct of Business) Regulations 1999 in the matter of Buy-out of GVK Stage-I project by APDISCOMs - Execution of registered sale deed transferring the entire land together with assets of GVK Phase - I in favour of APDISCOMs- not executed by M/s GVK - Dispute between M/s. GVK and licensees - adjudication under Section 86 (1) (f) of the Electricity Act, 2003

Sri P.Siva Rao, learned Standing counsel for the petitioners and Sri B.Subrahmanya Kumar, learned Counsel representing Sri Rubaina Khatoon, learned counsel for the respondents, are present at the hearing.

IA.No.1 of 2022:

This application is filed to permit the petitioners/AP DISCOMS to implead Sri Mukesh Verma, the Interim Resolution Professional of respondent No.1, as respondent No.5 in the O.P.

Admittedly, Insolvency Proceedings were initiated against respondent No.1 and an Interim Resolution Professional has been appointed.

In the light of the same, this application is allowed. The petitioners shall take appropriate steps for impleadment of the Interim Resolution Professional, as prayed for, in this petition within four weeks.

OP No. 59 of 2021:

Call on 02-11-2022

**Sd/-
Member/TRS**

**Sd/-
Chairman**

**Sd/-
Member/PRR**