

Record of Proceedings Dated 18-10-2023

IA No.1 of 2023 in OP No.18 of 2020

M/s Khandaleru Power Company Ltd Vs. APSPDCL, APPCC

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

This Interlocutory Application is filed under Section 142 of the Electricity Act, 2003 r/w Clause-55 of the Andhra Pradesh Electricity Regulatory Commission (Conduct of Business) Regulations, 1999 for imposing appropriate penalties on the respondents for contravention and non-implementation of the final order dated 26-10-2022 in O.P.No.18 of 2020 passed by this Hon'ble Commission.

At the hearing, counsel for both sides submitted that the parties have duly reconciled the accounts and that all the payments found due and payable to the petitioner have already been paid.

In the light of the above submission, the I.A. is closed as no adjudication on merits is needed.

**Sd/-
MEMBER/PVRR**

**Sd/-
CHAIRMAN**

**Sd/-
MEMBER/TRS**

OP No. 57 of 2023

M/s. ITC Limited Vs. APTRANSCO and APSLDC

(Petition filed under Section 86(1)(f) of the Electricity Act, 2003 read with Clause 21 of the APERC (Terms and Conditions of Open Access) Regulation 2005 and Clause 11 of the APERC (Levy and Collection of fees and charges by State Load Dispatch Centre) Regulation 2006, to direct the Respondents to process the Short Term Open Access applications of the Petitioner.

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

Rejoinder has not been filed in spite of granting time on two occasions. Hence, posting of the OP is deferred until rejoinder is filed.

**Sd/-
MEMBER/PVRR**

**Sd/-
CHAIRMAN**

**Sd/-
MEMBER/TRS**

OP No. 61 of 2023 & IA No.1 of 2023
M/s Sarda Metals & Alloys Ltd Vs. Transmission Corporation of A.P. Ltd.,
(APTRANSCO), Superintending Engineer /OMC Circle/ APTRANSCO,
Vijayanagaram

(OP No.61 of 2023: Petition filed by M/s Sarda Metals & Alloys Ltd under Section 86(1)(f) of the Electricity Act, 2003 seeking adjudication of a dispute in relation to claim of Line and Bay Maintenance charges imposed on petitioner's Captive Power Plant).

(IA No.1 of 2023: (This petition is filed seeking stay of demand, vide Lr.No. SE/O&M/VZM/Tech/AEE2/F.O&M charges X.3/D.N0.1043/23, dated 02.06.2023, issued by Respondent No.2 or any such other order or orders).

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

Rejoinder has not been filed in spite of granting time. Hence, posting of the OP is deferred until rejoinder is filed.

**Sd/-
MEMBER/PVRR**

**Sd/-
CHAIRMAN**

**Sd/-
MEMBER/TRS**

OP No.1 of 2019 & Batch
(OP No. 1 of 2019 M/s Axis Wind Farms (Uravakonda) Pvt. Ltd.
OP No. 2 of 2019 M/s Axis Wind Farms (Ahobilam) Pvt. Ltd.
OP No. 3 of 2019 M/s Axis Wind Farms (Vajrakarur) Pvt. Ltd.

OP No. 4 of 2019 M/s Axis Wind Farms (Pottipadu) Pvt. Ltd.
OP No. 5 of 2019 M/s Axis Wind Farms (Beluguppa) Pvt. Ltd.
OP No. 6 of 2019 M/s Axis Wind Farms (Penna) Pvt. Ltd.
OP No. 7 of 2019 M/s Axis Wind Farms (Manirevu) Pvt. Ltd.
OP No. 8 of 2019 M/s Axis Wind Farms (AP) Pvt. Ltd..
OP No. 9 of 2019 M/s Axis Wind Farms (Amidyala) Pvt. Ltd.
OP No. 10 of 2019 M/s Axis Wind Farms (Godavari) Pvt. Ltd.
OP No. 11 of 2019 M/s Axis Wind Farms (Kalyandurg) Pvt. Ltd.
OP No. 12 of 2019 M/s Axis Wind Farms (Raketla) Pvt. Ltd.
OP No. 13 of 2019 M/s Axis Wind Farms (Borampalli) Pvt. Ltd.
OP No. 14 of 2019 M/s Axis Wind Farms (Seerpi) Pvt. Ltd.
OP No. 15 of 2019 M/s Axis Wind Farms (Golla) Pvt. Ltd.
OP No. 16 of 2019 M/s Axis Wind Farms (Chapri) Pvt. Ltd.
OP No. 22 of 2019 M/s SV Renewable Energy
OP No. 23 of 2019 M/s Axis Wind Farms (Krishna) Pvt. Ltd.,
OP No. 24 of 2019 M/s Axis Wind Farms (Tungabhadra) Pvt. Ltd.,
OP No. 25 of 2019 M/s Pujaa Shree Renewable Energy Won Pvt. Ltd.
OP No. 26 of 2019 M/s G T Renewable Energy)

Vs.

APSPDCL

(Petitions filed under Sections 61(h), 62(1)(a), 64(1), 86(1)(a), 86(1)(b) and 86(1)(e) of the Electricity Act, 2003 read with CERC (Terms and Conditions for Tariff Determination from Renewable Energy Sources) Regulations, 2017 and Section 21 of the A.P. Electricity Reform Act, 1998 to determine the tariff for Wind Power Projects)

Sri P. Sri Raghu Ram, learned Senior counsel assisted by Sri Deepak Chowdhury, learned counsel for the Petitioners; and Sri P.Shiva Rao, learned Standing Counsel for the Respondent; are present at the hearing.

Sri P. Sri Raghu Ram, learned Senior counsel, commenced his submissions. During the hearing, it has been agreed that for considering approval of the PPAs, it has to be first established that there is a requirement of wind power, at present, as compared to the time when the PPAs were entered about 5 or 6 years back.

Sri P.Shiva Rao, learned Standing Counsel for the respondent, submitted that though it has been stated in their pleadings that there is a

requirement, proper details, to substantiate the same, have not been given. He has undertaken to file an additional affidavit in this regard along with the supporting data relating to the existing RPO, the present availability, the availability in the near future through any other committed sources etc. He requested time for this purpose. Accordingly, time is granted.

Call on 13-12-2023.

Sri P.Sri Raghu Ram, learned Senior Counsel, submitted that within three weeks he will file a convenience volume consolidating the relevant documents for easy reference.

**Sd/-
MEMBER/PVRR**

**Sd/-
CHAIRMAN**

**Sd/-
MEMBER/TRS**

OP No. 27 of 2023

M/s Balaji Energy Pvt. Ltd, Vs. APSPDCL, APTRANSCO & APPCC

(Petition filed under Section 86(1)(f) read with 86(1)(k) of the Electricity Act 2003 read with Clause-55 of the APERC (Conduct of Business) Regulations 1999 seeking to declare the action of respondents 1 and 2 in not considering the Actual Generation during the month as Scheduled Energy at the time of settlement of Petitioner's Account with its O.A. Consumer as being void, illegal, arbitrary and contrary to the provisions of the Electricity Act, 2003 and Open Access Regulations dated 2-6-2006; and, consequently, to direct the respondents to pay an amount of Rs.2,48,79,546/- (for 2x 4 MW) to the petitioner along with 12% interest at quarterly rests for the period October 2019, November 2019, December 2019, April 2020, May 2020 and June 2020 in respect of the power drawn and for quantity deducted and not accounted for at the time of settlement)

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OP No. 28 of 2023

M/s Balaji Energy Pvt. Ltd, Vs. APSPDCL, APTRANSCO & APPCC

(Petition filed under Section 86(1)(f) read with 86(1)(k) of the Electricity Act 2003 read with Clause-55 of the APERC (Conduct of Business) Regulations 1999 seeking to declare the action of the respondents 1 and 2 in not considering the Actual Generation during the month as Scheduled Energy at the time of settlement of Petitioner's Account with its O.A. Consumer as being void, illegal, arbitrary and contrary to the provisions of the Electricity Act, 2003 and Open Access Regulations dated 2-6-2006; and, consequently, direct the respondents to pay an amount of Rs.28,76,193/- (for 2x 1.5 MW) to the petitioner along with 12% interest at quarterly rests for the period October 2019, November 2019, December

2019, April 2020, May 2020 and June 2020 in respect of the power drawn and for quantity deducted and not accounted for at the time of settlement)

Sri Shiv Rohan Singh, counsel representing Sri M. Naga Deepak, learned Counsel for the petitioner; and Sri P.Shiva Rao, learned Standing Counsel for the respondents; are present at the hearing.

The Consultant (T&E) of this Commission has submitted his report, jointly signed by both the parties.

Sri P.Shiva Rao submitted that, based on this report, the parties may address the Commission as to whether, under the extant Regulations/Policies, the petitioner is entitled for payment of excess injected power, treating the same as Deemed Banking.

Sri Shiv Rohan Singh, learned counsel representing the petitioner, submitted that his Senior is unable to attend the proceedings because of his preoccupation and requested an adjournment.

Call on 15-11-2023.

**Sd/-
MEMBER/PVRR**

**Sd/-
CHAIRMAN**

**Sd/-
MEMBER/TRS**

OP No. 64 of 2022

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

(Petition filed U/Sec 86(1)(f) of the Electricity Act 2003 read with Clause-55 of the APERC (Conduct of Business) Regulations, 1999 to determine the Tariff for procurement of power from M/s Spectrum Power Generation Limited (208 MW Combined Cycle Gas based Power Project) during the period FY 2016-17).

Sri P. Shiva Rao, learned standing counsel for the Petitioners; Sri Shiv Rohan Singh, counsel representing Sri M.Naga Deepak, learned counsel for the Respondent; are present at the hearing.

At the request of the learned counsel for the respondent, call on
15-11-2023.

**Sd/-
MEMBER/PVRR**

**Sd/-
CHAIRMAN**

**Sd/-
MEMBER/TRS**