

Record of proceedings dated 18-02-2020

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

Public hearing on the 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.

O.P.No.35 of 2018
APGENCO Vs APSPDCL & APEPDCL

Public hearing in the matter of determination of tariff of APGENCO stations for the 4th control period (FY 2019-20 to FY 2023-24)

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

Heard Sri M. Venugopala Rao, learned objector and Sri K. Gopal Choudary, learned counsel for the respondent / petitioner. Sri M. Venugopala Rao, learned objector requested for permission to file written submissions and permission is accordingly granted. Sri K. Gopal Choudary, learned counsel for the respondent / petitioner made his submissions. He offered to file relevant material to substantiate the delay in execution of the project. He requested for time for this purpose. Sri K. Gopal Choudary undertook to serve copy of the material on the other side within one week in advance of the next date of hearing. Call on 24-03-2020.

Sd/
CHAIRMAN

O.P.No.21 of 2015
Hinduja National Power Corporation Ltd (HNPC) Vs APSPDCL & APEPDCL

Public hearing in the matter of the petition filed by the petitioner (HNPCL) for determination of capital cost of its 1040 MW (2 x 520 MW) thermal power plant at Visakhapatnam

The Hon'ble APTEL in its judgment dated 07-01-2020, while allowing Appeal No. 41 of 2019 on its file directed the Commission to dispose of O.P.No.21 of 2015 on merits.

Sri P. Ravi Charan, learned counsel for the petitioner, Sri P. Shiva Rao, learned Standing Counsel for the respondents and Sri M. Venugopala Rao, learned objector are present.

APDISCOMs / Respondents have filed an Interlocutory Application seeking adjournment of the hearing on the ground that against the order of the Hon'ble APTEL, APDISCOMs / respondents are seeking to file a Second Appeal before the Hon'ble Supreme Court. Learned counsel for the petitioner requested for some time to file certain relevant documents. In view of the request by the learned counsel for both parties, for adjournment, call on 11-03-2020. It is made clear that the cases will not be adjourned further unless proceedings are stayed by the Hon'ble Supreme Court as Hon'ble APTEL prescribed time for disposal of the cases.

Sd/-
CHAIRMAN

O.P.No.19 of 2016
APEPDCL & APSPDCL Vs Hinduja National Power Corporation Ltd (HNPC)

Public hearing in the matter of the petition filed by APDISCOMs for grant of approval of PPA to 1040 MW (2 x 520 MW) thermal power plant of the respondent herein at Visakhapatnam

The Hon'ble APTEL in its judgment dated 07-01-2020, while allowing Appeal No. 41 of 2019 on its file directed the Commission to dispose of O.P.No.19 of 2016 on merits.

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

Call along with O.P.No.21 of 2015.

Sd/-
CHAIRMAN

O.P.No.45 of 2019
South Indian Sugar Mills Association (SISMA) & 3 others Vs APSPDCL; APEPDCL & APPCC

Petition filed under section 86 (1) (e) & 181 (zp) of the Electricity Act, r/w Clause 19 of Regulation No.3 of 2017 and Clause 55 (1) & (2) of APERC (Conduct of Business) Regulation, 1999 for revisiting and Clarifying Clause 17 of the APERC Regulation on Power Evacuation from Captive Generation, Cogeneration and Renewable Energy Source Power Plants (Regulation No. 3 of 2017) to the extent of applying the same to the existing bagasse based co-generation plants having long term Power Purchase Agreements (PPAs) with Discoms

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

Both the learned counsel requested for posting the case along with O.P.No.46 of 2019, as issues involved in both cases are identical. Accordingly, call on 10-03-2020.

Sd/-
CHAIRMAN

O.P. No.65 of 2019
M/s. TGV SRAAC Ltd Vs APTRANSCO, APSPDCL & NREDCAP

Petition under Section 86(1) (f) of the Electricity Act, 2003 read with Regulation 55 of the APERC (Conduct of Business) Regulations, 1999 for adjudication of the disputes between the parties in respect of giving credit of about 73,68,610 units of wind power generated and evacuated into Grid between April, 2016 to July, 2019 in the energy bills of the petitioner

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

On a further request by the learned Standing Counsel for the respondents for filing counter affidavit finally, call on 11-03-2020.

Sd/-
CHAIRMAN

O.P.No.18 of 2019
M/s. Satya Maharshi Power Corporation Limited Vs APTRANSCO & 6 others

Petition under Section 86 (1) (f) of the Electricity Act, 2003 seeking directions to the 2nd Respondent to pay the fixed costs of Rs.54,25,085/- on deemed generation at Rs.1.37/- per unit from 09-06-2017 to 18-07-2017 at 80% PLF and damages incurred during the period of stoppage to the applicant company with interest at 18%

O.P.No.19 of 2019
M/s. SLS Power Limited Vs APTRANSCO & 6 others

Petition under Section 86 (1) (f) of the Electricity Act, 2003 seeking directions to the 2nd Respondent to pay the fixed costs of Rs.71,88,480/- on deemed generation at Rs.1.56/- per unit from 09-06-2017 to 18-07-2017 at 80% PLF and damages expenses of Rs.22,00,000/- incurred during the period of stoppage to the applicant company with interest at 18%

O.P.No.20 of 2019
M/s. Sree Venkata Sreedevi Power LLP Vs APTRANSCO & 6 others

Petition under Section 86 (1) (f) of the Electricity Act, 2003 seeking directions to the 2nd Respondent to pay the fixed costs of Rs.65,89,440/- on deemed generation at Rs.1.43/- per unit from 09-06-2017 to 18-07-2017 at 80% PLF and damages, expenses of Rs.21,40,000/- incurred during the period of stoppage to the applicant company with interest at 18%

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

At the request of the learned counsel for the petitioner, call on 17-03-2020.

Sd/-
CHAIRMAN

O.P.No.64 of 2019
M/s. Indian Oil Corporation Limited Vs APSPDCL & APTRANSCO

Petition under Section 86(1) (f) of the Electricity Act, 2003 read with APERC (Conduct of Business) Regulations, 1999 seeking directions to the respondents for releasing payment against the outstanding monthly invoices towards sale of wind energy along with the interest / delayed payment surcharge on such delayed payments, payments of amounts deducted towards 1% rebate from monthly invoices and interest on delayed payment as per Articles 2.2 and 5.2 of the Power Purchase Agreements dated 08-05-2012, 31-03-2012, 21-03-2013 and 18-07-2014

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 submitted that the respondents will release the rebate amount and also pay the tariff dues at Rs.2.43 Ps as per the interim rate fixed by the Hon'ble High Court in other cases within one month. For reporting payment, call on 24-03-2020.

Sd/-
CHAIRMAN

O.P.No.60 of 2019
M/s. Green Infra Wind Solutions Ltd Vs APPCC & APSPDCL

Petition under Section 86 (1) (f) of the Electricity Act, 2003 read with Power Purchase Agreement dt.18-02-2017 executed between the petitioner and respondent for recovery of outstanding amounts legally due to the petitioner

Sri T.G. Rajesh Kumar and Sri K. Mohan Kumar, 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 submitted that the respondents will pay the tariff dues at Rs.2.43 Ps as per the interim rate fixed by the Hon'ble High Court in other cases within one month. For reporting payment, call on 24-03-2020.

Sd/-
CHAIRMAN

O.P.No.63 of 2019
M/s. Jindal Aluminium Ltd Vs APSPDCL & 2 others

Petition under Section 86 (1) (f) of the Electricity Act 2003 R/w APERC Conduct of Business Regulation 1999 for direction to make payment amounts against the monthly bills for the period from 01-08-2018 to 31-07-2019 and the amounts deducted towards rebate from monthly power bills for the period May, 2018 to June, 2018 along with interest in terms of PPA dated 14-08-2015

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 submitted that the respondents will release the rebate amount and also pay the tariff dues at Rs.2.43 Ps as per the interim rate fixed by the Hon'ble High Court in other cases within one month. For reporting payment, call on 24-03-2020.

Sd/-
CHAIRMAN

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.

Heard. Order is reserved.

Sd/-
CHAIRMAN

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.

The Secretary in-charge of this Commission informed that he has contacted Sri Koteswara Rao, a Partner of M/s. Brahmaiah & Company and that the said person has informed the Secretary that their firm is prepared to undertake the assignment proposed to be given by this Commission viz., assessment of the working capital of the petitioner. Sri K. Gopal Choudary, learned counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the respondent submitted that the Commission may entrust the said task of assessment of capital cost to M/s. Brahmaiah & Company. Accordingly, M/s. Brahmaiah & Company is requested to determine the capital cost with reference to the material to be produced by the learned counsel for the petitioner. Sri K. Gopal Choudary submitted that he will produce the entire material which is part of the record of O.P.No.57 of 2014 & I.A.No.8 of 2015. In the light of the above, it is ordered as under:

- i) Sri K. Gopal Choudary, learned counsel for the petitioner is permitted to file all the documents which form part of O.P.No.57 of 2014 & I.A.No.8 of 2015 before M/s. Brahmaiah & Company, Hyderabad;
- ii) M/s. Brahmaiah & Company is requested to determine the capital cost after considering the documents filed before it and if necessary by undertaking the site inspection;
- iii) M/s. Brahmaiah & Company shall be free to issue notices to both parties, if they require any clarification on any of the documents and obtain such clarifications in the presence of both parties; and
- iv) At the end of the exercise, while submitting the report before the Commission, M/s. Brahmaiah & Company is entitled to indicate the professional fee payable to them. The fee so indicated shall be borne by the petitioner. M/s. Brahmaiah & Company shall endeavour to submit its report within one (1) month from the date of receipt of this order. Issue certified copy of the order to both the learned counsel by tomorrow. Call on 31-03-2020.

Sd/-
CHAIRMAN