

Record of proceedings dated 18-05-2019

O.P.No.17 of 2019

APSPDCL & APEPDCL Vs M/s Karam Chand Thapar & Bros Limited & others

Petition u/s 61 (d), 86 (1) (b) and 86 (1) (f) of the Electricity Act, 2003 r/w 55 (1) & (2) of APERC (Conduct of Business) Regulation 2 of 1999, Regulations 23, 24 & 25 of the Regulation No. 1 of 2015 (Terms and Conditions for Tariff Determination for Wind Power Projects in the State of Andhra Pradesh for the period 2015-16 to FY 2019-20) and provisions under PPAs enabled in the APERC orders dt.13-12-2017 to revise the tariff fixed for wind power projects (pursuant to APERC Regulation 1 of 2015)

Sri P. Shiva Rao, learned Standing Counsel for the petitioners, Ms. Neha Akkineni, learned counsel representing Ms. Mazag Andrabi, learned counsel for (i) M/s. Karam Chand Thapar & Bros. Limited (ii) M/s. Renew Wind Energy Private Limited (iii) M/s. Ostro AP Wind Private Limited (iv) M/s. Helios Infratech Private Limited (v) M/s. Mayank Green Energy (vi) M/s. Ostro Anantapur Wind Private Limited (vii) M/s. Ostro Andhra Wind Private Limited (viii) M/s. KCT Renewable Energy Private Limited & (ix) M/s. Sterling Agro Industries Limited; Sri H. Rajesh Kumar, learned counsel for M/s. Tata Power Renewable Energy Limited; Sri Challa Gunaranjan, learned counsel for (i) M/s. Jindal Aluminium Limited (ii) M/s. Poonawalla Aviation Private Limited (iii) M/s. Poonawalla Shares & Securities Private Limited (iv) M/s. Cyrus Poonawalla Family Trust (v) M/s. Poonawalla Estates Stud & Agri Farm Private Limited (vi) M/s. Chanda Investments & Trading Company Private Limited (vii) M/s. Adurjee & Bros. Private Limited (viii) M/s. Naukhal Investment Private Limited (ix) M/s. Cyza Chem Private Limited (x) M/s. Villoo's Greenfield Farms (xi) M/s. Vibrant Green Tech India Limited & (xii) M/s. Sunwin Power Tech India Private Limited; Sri N. Jeevan Kumar, learned counsel representing Sri Mantha Srinivas, learned counsel for (i) M/s. Orange Uravakonda Wind Power Private Limited (ii) M/s. Axis Wind Energy (MPR Dam) (iii) M/s. Axis Wind Energy (Anantapur) Private Limited (iv) M/s. JED Solar Parks Private Limited & (v) M/s. Orange Anantapur Wind Power Private Limited;

Sri N. Jeevan Kumar, learned counsel representing Sri Vikram Pooserla, learned counsel for (i) M/s. Axis Wind Farms (Rayalaseema) Private Limited (ii) M/s. Guttaseema Wind Energy Company Private Limited & (iii) M/s. Animala Wind Power Private Limited, Sri Viswanath, General Manager (Southern Region) representing M/s. PTC Energy Limited, Sri Avijeet Lala, learned counsel for M/s. Vayu Urja Bharat Private Limited, Sri T. Krishna Murthy, Electrical Engineer representing M/s. Bommidala Enterprises Private Limited and Sri M. Venugopala Rao, learned objector are present.

Sri P. Shiva Rao, learned Standing Counsel for the petitioners filed served copies of the notices for appearance of the twenty respondents along with their acknowledgment service signifying that all the twenty respondents who were hitherto unserved were now served with notices in this Original Petition. While some of the respondents appeared through counsel as noted above, there is no representation for the rest of the respondents. Sri P. Shiva Rao, learned Standing Counsel for the petitioners when enquired has stated that he received no instructions from the petitioners on the communication addressed by the State Government on 15-03-2019 to the Chairmen & Managing Directors of both the petitioners and another and therefore, he shall place before the Commission the stand of the petitioners in writing with service of copies of the same on the appearing respondents through counsel and objectors and such of those respondents who wish to file their responses/counters to the petition may do so before the next date of hearing. Hence, the matter is posted to 07-06-2019 at 2:00 PM.

Call on:

07-06-2019
at 2:00 PM

Sd/-
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CHAIRMAN

O.P.No.40 of 2019
GMR Vemagiri Power Generation Ltd Vs APSPDCL, APEPDCL & M/s. Spectrum Power
Generation Ltd

Petition challenging the short-term purchase of power by the Respondent No.1 & 2
from the Respondent No.3

Sri Jashwanth, learned counsel representing Ms. Pujitha Gorantla, learned counsel
for GMR Vemagiri Power Generation Limited, Sri P. Shiva Rao, learned Standing
Counsel for APSPDCL & APEPDCL, Sri T. Uma Sankar, learned counsel
representing Sri Ch. Pushyam Kiran, learned counsel for M/s. Spectrum Power
Generation Limited and Sri M. Venugopala Rao, learned objector are present.

Sri T. Uma Sankar, learned counsel entered appearance for the 3rd respondent and
Sri P. Shiva Rao, learned Standing Counsel entered appearance for respondents 1
and 2. Sri M. Venugopala Rao, learned objector already filed objections. For
counters of respondents 1 to 3 and response of the petitioner and the respondents to
the objections of Sri M. Venugopala Rao, learned objector, time extended till
15-06-2019.

Call on: 15-06-2019
at 11:00 AM

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CHAIRMAN

I.A.No.3 of 2019 in O.P. No.8 of 2018
Lanco Kondapalli Power Limited (Respondent in main O.P) Vs APDISCOMs
(Petitioners in main O.P)

Application under Section 86 (1) (b) of Electricity Act, 2003 read with Clause (55) of
APERC (Conduct of Business) Regulations seeking directions to the respondents to
pay variable cost on pass through basis corresponding to the increase / decrease in
cost of fuel from time to time for the exported units from the generating station and
the same is taken on the file of the Commission as I.A. No. 3 of 2019 in O.P. No. 8 of
2018

Sri Challa Gunaranjan, learned counsel for the petitioner, Sri P. Shiva Rao, learned Standing Counsel for the respondents, Sri M. Venugopala Rao, learned objector and Sri Jashwanth, learned counsel representing Ms. Pujitha Gorantla, learned counsel for GMR Vemagiri Power Generation Limited are present.

Sri Challa Gunaranjan, learned counsel for the petitioner filed response of the petitioners to the objections of the four objectors. At request of Sri P. Shiva Rao, learned Standing Counsel for the respondents, time extended for counters of the distribution companies in the Interlocutory Application and for response of the respondents to the objections till 15-06-2019.

Call on:

15-06-2019
at 11:00 AM

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O.P.No.8 of 2018
APSPDCL & APEPDCL Vs M/s. Lanco Kondapalli Power Ltd

Petition filed u/s 86 (1) (b) of the Electricity Act, 2003 seeking renewal of PPA with
M/s. Lanco Kondapalli Power Ltd.

Sri P. Shiva Rao, learned Standing Counsel for the petitioners, Sri Challa Gunaranjan, learned counsel for the respondent, Sri M. Venugopala Rao, learned objector and Sri Jashwanth, learned counsel representing Ms. Pujitha Gorantla, learned counsel for GMR Vemagiri Power Generation Limited are present.

The respondent filed a Memo stating that notwithstanding the Insolvency and Bankruptcy Code and the orders of the National Company Law Tribunal, Hyderabad Bench, Hyderabad dated 23-04-2019 in CP (IB) No.678/7/HDB/2018, the respondent is entitled to continue the present proceedings and copies of the same were

served on the learned Standing Counsel for the petitioners and Sri M. Venugopala Rao, learned objector. Other objectors are not present. For any response of the petitioners and Sri M. Venugopala Rao, learned objector, to the request of the respondent in the Memo, the matter is posted, at request to 15-06-2019.

Call on: 15-06-2019
at 11:00 AM

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I.A.No.6 of 2019 in O.P.No.8 of 2018 and I.A.No.7 of 2019 in I.A.No.6 of 2019
APSPDCL & APEPDCL Vs M/s. Lanco Kondapalli Power Ltd

M/s. GMR Vemagiri Power Generation Ltd filed Intervention cum Objection affidavit
and interlocutory application

Sri P. Shiva Rao, learned Standing Counsel for the petitioners, Sri Challa Gunaranjan, learned counsel for the respondent, Sri Jashwanth, learned counsel representing Ms. Pujitha Gorantla, learned counsel for GMR Vemagiri Power Generation Limited / Intervention Petitioner and Sri M. Venugopala Rao, learned objector and are present.

No other objections have been filed by any other stakeholder. For hearing, the matter is posted to 15-06-2019.

Call on: 15-06-2019
at 11:00 AM

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O.P.No.32 of 2019
FOR ORDERS
APEPDCL Vs ---

Petition seeking approval of the Commission for implementation of Utility driven Solar Roof Top (SRT) program devised under the Technical Assistance titled 'Power Sector Reform Program' supported by UK's Department for International Development (DFID)

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

Orders pronounced (*vide separate order*)

"the Commission is pleased to accord approval for the pilot project as proposed in this petition. However, the licensee is directed to submit the copy of tripartite agreement and consumer consent form for approval of the Commission and shall also submit the full status report with results after completion of the pilot project.

9. This original petition is ordered accordingly".

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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 utilities are present.

At request of Sri P. Shiva Rao, learned Standing Counsel for the utilities, the matter is posted for hearing to 01-06-2019.

Call on: 01-06-2019
at 11:00 AM

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CHAIRMAN

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 Venkatesh Teja, Director representing the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the utilities are present.

Time extended for counter at request of Sri P. Shiva Rao, learned Standing Counsel for the utilities till 01-06-2019.

Call on: 01-06-2019
at 11:00 AM

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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 Das Guru (AR) representing the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the respondent are present.

Time extended for counter at request of Sri P. Shiva Rao, learned Standing Counsel for the utilities till 15-06-2019.

Call on: 15-06-2019
at 11:00 AM

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CHAIRMAN

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 G. Deepak, learned counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the respondent are present.

Time extended for counter at request of Sri P. Shiva Rao, learned Standing Counsel for the utilities till 15-06-2019.

Call on: 15-06-2019
at 11:00 AM

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CHAIRMAN

O.P.No.9 of 2018
M/s. Manihamsa Power Projects Limited & Knowledge Infrastructure Systems Pvt.
Ltd Vs APPCC, APEPDCL & APSPDCL

Petition filed under Section 86 (1) (f) of the Electricity Act, 2003 r/w APERC (Conduct of Business) Regulations, 1999 (Regulation 2 of 1999) claiming for payment of balance amount in terms of the Purchase Order dt.04-06-2012 for the period 01-07-2012 to 30-05-2013 which is illegally withheld by respondents purported to be on account of disproportionate allocation of water among Stage I & II units of the 1st petitioner

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

For hearing at request, the matter is posted to 01-06-2019.

Call on: 01-06-2019
at 11:00 AM

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CHAIRMAN

I.A.No.9 of 2019 in O.P.No.2 of 2015

Andhra Pradesh Ferro Alloys Producers Association; M/s. Abhijeet Ferrotech Ltd &
M/s. Andhra Ferro Alloys Ltd Vs CMD / APEPDCL & Principal Secretary,
Government of AP Energy, Infrastructure & Investment (Power) Department

Petition filed under Sections 62 read with 86 of the Electricity Act, 2003 for revisiting
of the conditions stipulated in the Retail Supply Tariff Order for FY 2015-16 the
category of HT-1(b) consumers

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

Counter filed by the utilities. For rejoinder, if any, the matter is posted to 07-06-2019
at 2:00 PM.

Call on: 07-06-2019
at 2:00 PM

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O.P.No.27 of 2019

M/s. Spectrum Power Generation Limited Vs APSPDCL & APEPDCL

Petition under Section 62 (1), 86 (1) (b) of the Electricity Act, 2003 read with Clause
(55) of APERC (Conduct of Business) Regulations, seeking approval for the tariff
(FC & VC) as proposed by them for the FY 2018-19 and FY 2019-20 i.e., fixed cost
at Rs.0.92 / Kwh on actual units supplied subject to an overall ceiling of Rs.108.17
crores and change in variable cost from time to time based on revision in natural gas
prices with effect from 01-04-2019 as pass through basis

Sri T. Uma Sankar, learned counsel for the petitioner and Sri P. Shiva Rao, learned
Standing Counsel for the utilities are present.

Time extended for counter at request of Sri P. Shiva Rao, learned Standing Counsel for the utilities till 15-06-2019.

Call on: 15-06-2019
at 11:00 AM

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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%

Sri G. Sekhar Reddy, learned counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the utilities are present.

Rejoinder filed. For hearing, the matter is posted to 22-06-2019.

Call on: 22-06-2019
at 11:00 AM

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CHAIRMAN

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%

Sri G. Sekhar Reddy, learned counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the utilities are present.

Rejoinder filed. For hearing, the matter is posted to 22-06-2019.

Call on: 22-06-2019
at 11:00 AM

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CHAIRMAN

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 G. Sekhar Reddy, learned counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the utilities are present.

Rejoinder filed. For hearing, the matter is posted to 22-06-2019.

Call on: 22-06-2019
at 11:00 AM

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CHAIRMAN

M/s. Balaji Energy Pvt Ltd Vs APSPDCL

In the matter remanded by the Hon'ble High Court of A.P. vide its order dated 29-04-2019 in W.P.No.32465 of 2017

Sri Govardhan Venu, learned counsel representing Sri Ch. Pushyam Kiran, learned counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the respondent are present.

Sri Govardhan Venu, learned counsel representing Sri Ch. Pushyam Kiran, learned counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the respondent entered appearance respectively. For hearing, at request, the matter is posted to 10-06-2019 at 2:30 PM.

Call on: 10-06-2019
at 2:30 PM

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CHAIRMAN