

Record of Proceedings Dated 19-07-2023

OP No. 54 of 2023 & IA No.1 of 2023

**M/s. Sree Lalitha Parameshwari Mills Pvt Ltd. Vs. APTRANSCO,
APCPDCL and APSPDCL**

OP No.54 of 2023:

(Petition filed under Section 42, 86(1)(e) read with Section 86(1)(f) of the Electricity Act, 2003 to declare the action of the respondents in unilaterally levying and demanding amounts towards transmission and wheeling charges for wheeling of power generated from the petitioner's Solar Power Plant as illegal, arbitrary and contrary to the A.P. Solar Power Policy, 2015 enunciated in GO.Ms.No.8, Dated 12.02.2015, and, consequently, to direct the respondents not to levy or demand any charges towards transmission and wheeling of solar power generated by the petitioner for its captive use; and to direct the respondents to refund the amount collected towards transmission charges from 30.06.2021 onwards to the petitioner; and also to direct the respondents to refund the amount collected towards wheeling charges from 30.04.2021 onwards to the petitioner)

&

IA No. 1 of 2023:

(Interlocutory Application is filed seeking to direct the Respondents not to levy transmission and wheeling charges for wheeling power from the petitioner's Solar Power Plant at Bonga Ravulapadu village, Varikuntapdu Mandal, SPSR Nellore District, Andhra Pradesh, pending pending adjudication of the main petition)

Sri Shreyas Reddy, counsel representing Sri N.V.Sumanth, learned counsel for the Petitioner, and Sri P. Shiva Rao learned Standing Counsel for the respondents, are present at the hearing.

Counter-affidavit is filed by respondent No.1.

Sri Shreyas Reddy requested time for filing reply. Four weeks' time is, accordingly, granted.

Call on 13-9-2023.

Sd/-
MEMBER/PVRR

Sd/-
CHAIRMAN

Sd/-
MEMBER/TRS

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

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

IA No.1 of 2023:

(This I.A. 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 contravention and non-implementation of the final order dated 26-10-2022 passed by this Hon'ble Commission passed in O.P.No.18 of 2020)

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.

Counter-affidavit is filed. It is, *inter alia*, stated therein that the respondents have already paid Rs.1,72,16,876/- on 30-12-2022 and that the balance amount of Rs.1,88,03,163/- is yet to be paid.

At the hearing the learned counsel for the petitioner submitted that, according to his instructions, the said balance amount of Rs.1,88,03,163/- has since been paid; and that the further amount payable, if any, has to be properly ascertained and submitted by way of a rejoinder. Accordingly, he requested time for filing rejoinder.

Call on 13-9-2023.

Sd/-
MEMBER/PVRR

Sd/-
CHAIRMAN

Sd/-
MEMBER/TRS

OP No. 31 of 2023 and IA No.1 of 2023

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

(Petition filed under U/Sec. 86(1)(f) r/w 86(1)(k) of the Electricity Act, 2003 Read with Clause-55 of the APERC (Conduct of Business) Regulations, 1999 seeking a direction to the respondents for payment of dues towards electricity supplied to a tune of Rs.26,48,40,066/- calculated upto 31-03-2023 along with interest thereon)

&

(IA No.1 of 2023: Application filed by APSPDCL under Clause-55 of the APERC (Conduct of Business) Regulations, 1999 seeking to defer the hearing of the main OP No.31 of 2023 till determination of tariff for second 10 years of operation in respect of the petitioner's project)

IA No.1 of 2023:

Sri Shreyas Reddy, 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.

This application is filed on behalf of the respondents seeking deferment of hearing of the OP., on the ground that the Honourable High Court of Andhra Pradesh by its order dated 10-7-2023 has set aside the Tariff Order dated 23-8-2014 fixing the generic tariff from the 11th year onwards and remanded the case for fresh adjudication to this Commission. It is, therefore, stated in the application that till redetermination of the Tariff for the second 10 years of operation, hearing of the OP may be deferred.

Sri Shreyas Reddy submitted that the arguing counsel has some inconvenience and that the case may be adjourned.

Accordingly, call on 13-9-2023.

Sd/-
MEMBER/PVRR

Sd/-
CHAIRMAN

Sd/-
MEMBER/TRS

OP No. 2 of 2023**M/s. Rain CII Carbon (Vizag) Limited Vs. APEPDCL**

(Petition filed under Section 86(1)(f) of the Electricity Act, 2003 to declare the action of the Respondent i.e., APEPDCL in levying Grid Support Charges on the Petitioner (a non-Captive Generation Power Plant) as illegal, arbitrary and against the Laws in force, and, consequently, direct that the Petitioner is not liable to pay Grid Support Charges for the Financial Year 2002-03 to the Financial Year 2008-09 as demanded by APEPDCL by setting aside the demand of Grid Support Charges made by the respondent)

Sri S.Vivek Chandra Sekhar, learned counsel for the petitioner, and Sri P.Shiva Rao, learned Standing Counsel for the respondent, are present at the hearing.

Rejoinder is filed. Call on 20-9-2023 for hearing.

Sd/-
MEMBER/PVRR

Sd/-
CHAIRMAN

Sd/-
MEMBER/TRS

OP No.1 of 2023

Aurobindo Pharma Limited (APL) Vs. APTRANSCO, APEPDCL, APSLDC,
(Petition filed u/s 181(e) read with Sections 42(3) and 61(h) of the Electricity Act, 2003 to direct the Respondents to give reduction in contracted demand with DISCOM for a period of five (5) years from the date of commissioning of Solar Power Plant as stated in Paras 16 & 17 and as envisaged under the Solar Power Policy, 2015 and Regulation No.2 of 2016 dated 08.01.2016 (Third Amendment Regulation, 2016) notified by this Commission by duly revising the bills from October 2017 to 31.05.2022)

Sri Shreyas Reddy, counsel representing Sri N.V.Sumanth, learned counsel for the petitioner, and Sri P. Shiva Rao, learned counsel for the Respondents, are present at the hearing.

Pleadings are complete. Call on 20-9-2023 for hearing.

Sd/-
MEMBER/PVRR

Sd/-
CHAIRMAN

Sd/-
MEMBER/TRS

IA No.1 of 2023

in

RP No. 8 of 2022 in OP No.21 of 2015 & 19 of 2016
M/s Hinduja National Power Corporation Limited Vs. APEPDCL & Others

I.A.No.1 of 2023:

This Application is filed under Clause 55 of the APERC (Conduct of Business) Regulations, 1999 seeking to delete the following part of the para mentioned in page 23 of the Review Order:

“Further, the Senior Counsel for the Petitioner Sri Avinash Desai fairly submitted that HNPCL will not raise and claim in future as a non-MPPS plant”

Sri Avinash Desai, Senior Counsel representing Sri P.Ravi Charan, learned counsel for the petitioner, and Sri P. Shiva Rao, learned counsel for the Respondents, are present at the hearing.

After hearing the learned counsel for both the parties, this Commission is satisfied that the above mentioned observation crept into the order by mistake. Therefore, the I.A., is allowed and the order dated 19-6-2023 in Review Petition No.8 of 2022 is modified by deleting the aforesaid observation made in para-2 last sentence in page 23 of the said order.

Office shall furnish corrected copies of the order to both the parties.

Sd/-
MEMBER/PVRR

Sd/-
CHAIRMAN

Sd/-
MEMBER/TRS