

Record of proceedings dated 19-02-2020

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 Nos.1 & 2
from the Respondent No.3

Ms. Pujitha Gorantla, learned counsel for the petitioner / M/s. GMR Vemagiri Power Generation Limited and Sri G.V. Brahmananda Rao, learned counsel representing Sri P. Shiva Rao, learned Standing Counsel for the utilities are present.

This Original Petition is filed for the following reliefs:

- a. Issue a direction to stop the ongoing procurement of Short term power by the Respondent No.1 & 2 from Respondent No.3.
- b. Issue directions under section 86 (2) of the Electricity Act, 2003 to Respondent No.1 & 2 to send recommendations to GoAP for sending necessary recommendations to MoPNG, Government of India to resume the APM/Non-APM/Pre-NELP gas from Respondent No.3 to GVPGL.
- c. Grant such other relief as this Hon'ble Commission may deem fit in the facts and circumstances of the instant case.

I have heard Ms. Pujitha Gorantla, learned counsel for the petitioner and perused the record. In the light of the fact that in the Tariff Order for FY 2020-21, the Commission has not accepted the proposal of respondents 1 & 2 to permit them to buy power from respondent No.3. In the light of the same, this Original Petition to the extent of prayer 'a.' has become *infructuous*. As regards, prayer in b. in the opinion of the Commission, it is not within its jurisdiction to issue any direction to respondents 1 & 2 to send recommendations to Government of Andhra Pradesh for making efforts to secure the gas linkage to the petitioner from Government of India. Therefore, this prayer is rejected.

In the light of the above, the Original Petition is disposed of, however, with liberty to the petitioner to oppose the review if any filed by respondent No.3 in respect of Tariff Order for FY 2020-21 (as anticipated by the learned counsel for the petitioner).

Sd/-
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.3/2019 in O.P.No.8/2018

Sri K. Gopal Choudary, learned counsel representing Sri Challa Gunaranjan, learned counsel for the petitioner / M/s. Lanco Kondapalli Power Limited, Sri G.V. Brahmananda Rao, learned counsel representing Sri P. Shiva Rao, learned Standing Counsel for the respondents and Ms. Pujitha Gorantla, learned counsel M/s. GMR Vemagiri Power Generation Limited are present.

Call along with O.P.No.8 of 2018 on 21-04-2020.

Sd/-
CHAIRMAN

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 G.V. Brahmananda Rao, learned counsel representing Sri P. Shiva Rao, learned Standing Counsel for the petitioners, Sri K. Gopal Choudary, learned counsel

representing Sri Challa Gunaranjan, learned counsel for the respondent and Ms. Pujitha Gorantla, learned counsel M/s. GMR Vemagiri Power Generation Limited are present.

It is represented at the hearing that Sri P. Shiva Rao, learned Standing Counsel for the utilities is unable to attend the hearing today due to unavoidable reasons. Hence, the case is adjourned. Call on 21-04-2020.

Sd/-
CHAIRMAN

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 G.V. Brahmananda Rao, learned counsel representing Sri P. Shiva Rao, learned Standing Counsel for the petitioners, Sri K. Gopal Choudary, learned counsel representing Sri Challa Gunaranjana, learned counsel for M/s. Lanco Kondapalli Power Limited and Ms. Pujitha Gorantla, learned counsel M/s. GMR Vemagiri Power Generation Limited, Intervention Petitioner are present.

Call along with O.P.No.8 of 2018 on 21-04-2020.

Sd/-
CHAIRMAN

I.A.No.16 of 2019 in O.P.No.8 of 2018
APSPDCL & APEPDCL Vs M/s. Lanco Kondapalli Power Ltd

Application filed by the above mentioned applicants / petitioners under Order 21, Rule 1 CPC, seeking permission to withdraw the O.P.No.8 of 2018 (APDISCOMS Vs. M/s. Lanco Kondapalli Power Ltd, seeking renewal of PPA) and dismiss the same as withdrawn

Sri G.V. Brahmananda Rao, learned counsel representing Sri P. Shiva Rao, learned Standing Counsel for the petitioners, Sri K. Gopal Choudary, learned counsel

representing Sri Challa Gunaranjan, learned counsel for M/s. Lanco Kondapalli Power Limited and Ms. Pujitha Gorantla, learned counsel M/s. GMR Vemagiri Power Generation Limited are present.

Call along with O.P.No.8 of 2018 on 21-04-2020.

Sd/-
CHAIRMAN

O.P.No.42 of 2019
M/s. Srivathsa Power Projects Pvt Ltd Vs APEPDCL

Petition filed u/s 86 (1) (b) of the Electricity Act, 2003 r/w Clause 55 of APERC (Conduct of Business) Regulations to reconsider the fixation of variable cost on pass through basis instead of variable rate of Rs.2.91/- per unit in respect of the petitioner.

Ms. Rashmi G. Kamath from Indus Law Firm, leaned counsel for the petitioner and Sri G.V. Brahmananda Rao, learned counsel representing Sri P. Shiva Rao, learned Standing Counsel for the respondent are present.

Call along with O.P.No.8 of 2018 on 21-04-2020.

Sd/-
CHAIRMAN

O.P.No.53 of 2019
APPDCL Vs APSPDCL & APEPDCL

Petition u/s 62 of the Electricity Act, 2003 for determination of tariff for the control period FY 2019-2024 for the electricity supplied by APPDCL from SDSTPS to the Distribution Licensees in Andhra Pradesh

Sri K. Gopal Choudary, learned counsel for the petitioner and Sri G.V. Brahmananda Rao, learned counsel representing Sri P. Shiva Rao, learned Standing Counsel for the respondents are present.

It is represented at the hearing that Sri P. Shiva Rao, learned Standing Counsel for the utilities is unable to attend the hearing today due to unavoidable reasons. Hence, the case is adjourned. Call on 24-03-2020.

Sd/-
CHAIRMAN

O.P.No.52 of 2019
APSPDCL & APEPDCL Vs APPDCL

Petition u/s 86 (1) (f) of the Electricity Act, 2003 praying for resolving the issues in the matter of adjudication of the disputes / differences with Andhra Pradesh Power Development Company Ltd (APPDCL) as specified in para 12 of the order of the Commission in O.P.No.21 of 2016 dt.13-07-2018 in the matter of Amended and Restated Power Purchase Agreement dated 24-08-2016 entered with APPDCL by APDISCOMs for procurement of power from 2 x 800 MW Sri Damodaram Sanjeevaiah Thermal Power Station (SDSTPS), Krishnapatnam, Nellore District

Sri G.V. Brahmananda Rao, learned counsel representing Sri P. Shiva Rao, learned Standing Counsel for the petitioners and Sri K. Gopal Choudary, learned counsel for the respondent are present.

It is represented at the hearing that Sri P. Shiva Rao, learned Standing Counsel for the utilities is unable to attend the hearing today due to unavoidable reasons. Hence, the case is adjourned. Call on 24-03-2020.

Sd/-
CHAIRMAN

R.P.No.2 of 2019 in O.P.No.47 of 2018
APPDCL Vs APSPDCL & APEPDCL

Petition u/s 94 (1) (f) of the Electricity Act, 2003 praying for review of the order dated 02/03/2019 passed in O.P. 47 of 2017 for determination of tariff from 02/05/to 31/03/2019 for the electricity supplied by APPDCL from SDSTPS to the Distribution Licensees in Andhra Pradesh

Sri K. Gopal Choudary, learned counsel for the petitioner and Sri G.V. Brahmananda Rao, learned counsel representing Sri P. Shiva Rao, learned Standing Counsel for the respondents are present.

It is represented at the hearing that Sri P. Shiva Rao, learned Standing Counsel for the utilities is unable to attend the hearing today due to unavoidable reasons. Hence, the case is adjourned. Call on 24-03-2020.

Sd/-
CHAIRMAN

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 on pass through basis

Ms. K. Prabhavathi, learned Counsel for the petitioner and Sri G.V. Brahmananda Rao, learned counsel representing Sri P. Shiva Rao, learned Standing Counsel for the respondents are present.

Call along with O.P.No.8 of 2018 on 21-04-2020.

Sd/-
CHAIRMAN