

Record of proceedings dated 19-08-2020

O.P.No.8 of 2020

In the matter of Amendment to A.P. Solar Rooftop Policy, 2018

Sri P. Shiva Rao, learned Standing Counsel representing A.P. Discoms, Sri G.R. Sudhakar, representing M/s. Renewable Energy Developers Association of Andhra Pradesh and Sri Challa Gunaranjan, learned counsel for M/s. Andhra Pradesh Solar Integrators Welfare Association, learned objectors are present at the web hearing.

Sri P. Shiva Rao submitted that Hon'ble High Court of AP has granted stay of G.O.No.35 dated 18-11-2019 based on which the petitioners have filed O.P.No.8 of 2020 for a period of four weeks. He, therefore, requested for an adjournment of O.P. to await further orders of the Hon'ble High Court. Accordingly call on 07-10-2020.

Sd/
MEMBER / TRS

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CHAIRMAN

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MEMBER / PRR

O.P.No.24 of 2020

Blyth Wind Park Private Limited Vs APSLDC, APTRANSCO, APSPDCL & APEPDCL

Petition under Section 86(1)(f) of the Electricity Act, 2003 for adjudication of disputes arising out of (a) undue delay in issuance of Settlement Reports ; and (b) Settlement being processed by the Energy Billing Centre, Andhra Pradesh State Load Despatch Centre, operated by Transmission Corporation of Andhra Pradesh Limited, in contravention of the provisions of the Andhra Pradesh Electricity Regulatory Commission (Interim Balancing and Settlement Code) Regulations, 2006 and the amendments thereto.

Ms. Mazag Andrabi, learned counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the respondents are present at the web hearing.

At the request of Sri P. Shiva Rao, four weeks' time for filing counter affidavit is granted. Post on 21-10-2020.

Sd/
MEMBER / TRS

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CHAIRMAN

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MEMBER / PRR

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 at the web hearing.

Sri K. Gopal Choudary submitted that the meetings as directed by this Commission have taken place during which the documents filed by the petitioner were properly explained to the Commission's office and that the note expected to be filed by the office has not been furnished to him so far. As the request of the Commission's office for extension of time for preparing and filing the note has been extended on administrative side, case is adjourned to 07-10-2020 for filing note by the office and for further hearing. The office of the Commission should furnish a copy of the note to Sri K. Gopal Choudary before it is filed.

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MEMBER / TRS

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CHAIRMAN

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MEMBER / PRR

O.P. No.12 of 2020 & I.A. No. 3 of 2020

M/s. Aarohi Solar Private Ltd.& 4 others Vs APSPDCL

Petition under Section 86 (1) (f) of the Electricity Act, 2003 for adjudication of disputes arising out of the Power Purchase Agreements dated 05-12-2014 entered by them with APSPDCL and seeking directions to the APSPDCL to act in accordance with terms of the PPA in connection with charges for drawl of power by their solar power generating stations for the auxiliary consumption.

I.A. No. 3 of 2020 filed u/s 94 (2) of the Electricity Act, 2003 sought for stay on the demand notices and invoices in connection with charges for drawl of power by the generating stations for their auxiliary consumption.

Ms. Jyotsna Khati, learned counsel for the petitioners and Sri P. Shiva Rao, learned Standing Counsel for the respondent are present at the web hearing.

Counter affidavit is filed. At the request of learned counsel for the petitioner, the case is adjourned for filing rejoinder. Call on 21-10-2020.

Sd/
MEMBER / TRS

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CHAIRMAN

Sd/-
MEMBER / PRR

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.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.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.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 P. Shiva Rao, learned Standing Counsel for the AP Discoms is present at the web hearing.

No representation for the petitioners. Call on 21-10-2020.

Sd/
MEMBER / TRS

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CHAIRMAN

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MEMBER / PRR

I.A.No.27 of 2019 in O.P.No.74 of 2019

M/s.Azure Power India Pvt. Ltd Vs APSLDC, APTRANSCO, APEPDCL, NTPC & MNRE

Petition filed by the petitioner under Section 33(4) read with Section 86(1)(e), 86(1)(f), and 86(1)(k) of the Electricity Act, 2003, and Regulation 8 of the Andhra Pradesh Electricity Regulatory Commission (Conduct of Business) Regulations, 1999 as amended from time to time, inter alia seeking direction(s) to the Respondents to implement the MUST RUN status accorded to the Petitioner's Solar Projects in letter and spirit, refrain from illegally curtailing the solar energy generated therefrom and compensate the Petitioner for the unlawful and arbitrary curtailment of generation from the Petitioner's Solar Project

I.A.No.27 of 2019 filed by the petitioner under Regulation 16 read with Regulation 55 of the Andhra Pradesh Electricity Regulatory Commission (Conduct of Business) Regulations, 1999 as amended from time to time, inter alia seeking interim direction(s) to the Respondents to implement the MUST RUN status accorded to the Petitioner's Solar Project in letter and spirit, and to produce the documents specified in the application which are necessary for the purpose of enabling the Commission to pass orders for adjudication of the Original Petition.

I.A.No.20 of 2019 & I.A.No.19 of 2020 in O.P.No.61 of 2019

M/s. SBG Cleantech Project Co Pvt. Ltd Vs APSLDC, APTRANSCO, APEPDCL, NTPC & MNRE

Petition u/s 33 (4) read with Sections 86 (1) (e), 86 (1) (f) and 86 (1) (k) of the Electricity Act, 2003 and Regulation 8 of the APERC (Conduct of Business) Regulations, 1999 as amended from time to time, inter-alia, seeking direction(s) to the respondents to implement the MUST RUN status accorded to the petitioner's Solar Project in letter and spirit, refrain from illegally curtailing the solar energy generated therefrom, and compensate the petitioner for the unlawful and arbitrary curtailment of generation from the petitioner's Solar Project

I.A.No.20 of 2019 filed by the petitioner under Regulation 16 read with Regulation 55 of the APERC (Conduct of Business) Regulations, 1999 as amended from time to time, inter-alia, seeking interim direction(s) to the respondents to implement the MUST RUN status accorded to the petitioner's Solar Project in letter and spirit and to produce documents specified hereunder which are necessary for the purpose of enabling this Commission to pass order for adjudication of the petition filed under Section 33 (4) read with Section 86 (1) (e), 86 (1)(f) and 86 (1) (k) of the Electricity Act, 2003.

I.A.No.19 of 2020 in O.P.No.61 of 2019

Application filed by R-1 in OP No. 61 of 2019 by Respondent No.1/ APSLDC Under Clause 16 (3) r/w Clause 55 of APERC Conduct (Business Regulations) 2 of 1999 for submitting additional documents (Part I & II)

Sri Aniket Prasoon, learned counsel for the petitioners in the O.Ps. and Sri P. Shiva Rao, learned Standing Counsel for the utilities/AP Discoms are present at the web hearing.

The 1st respondent / APSLDC filed I.A.No.19 of 2020 in O.P.No.61 of 2019 for receiving certain documents. Learned counsel for the respondents submitted that the said I.A. is common to both the O.Ps. Sri Aniket Prasoon raised an objection to the effect that without an affidavit for treating I.A.No.19 of 2020 as common in both the O.Ps, the said I.A. cannot be relied upon in O.P.No.61 of 2019. Learned counsel for the respondents agreed to file an affidavit to that effect. Sri Aniket Prasoon requested for an adjournment for filing an objection by the petitioners to the documents filed by the respondents. At his request call on 07-10-2020.

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MEMBER / TRS

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CHAIRMAN

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MEMBER / PRR

O.P.No.21 of 2020

M/s.Tata Power Renewable Energy Ltd Vs. APSPDCL, APSLDC & APTRANSCO

Petition for directions treating the loss of a generation of Rs. 68.39 Crores as computed till May 2020 on account of curtailment of power as a deemed generation by the Petitioner/TPREL and direct Respondent No. 1 to make payment for the said Deemed Generation Charges.

Sri Sree Venkat, learned counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the respondents are present at the web hearing.

At the request of Sri P. Shiva Rao, time for filing counter is granted. The petitioner is also permitted to file rejoinder, if any, before the next date of hearing. Call on 21-10-2020.

Sd/
MEMBER / TRS

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CHAIRMAN

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MEMBER / PRR

O.P.No.23 of 2020

Lanco Kondapalli Power Ltd Vs APSPDCL & 2 others
Petition for Continuation of procurement of power from the project of the Petitioner
by the Respondents

We have heard Sri B. Adinarayana Rao, learned senior counsel representing Sri Challa Gunaranjan, learned counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the respondents at the web hearing. As certain new grounds have been raised in the rejoinder, Sri P. Shiva Rao has undertaken to file an affidavit to meet such grounds within two days. The petitioner is given two days thereafter to file further clarification to the points that may be raised by the respondents. Orders are reserved.

Sd/
MEMBER / TRS

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CHAIRMAN

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MEMBER / PRR

O.P.No.9 of 2020

M/s.Vibrant Greentech India Pvt Ltd. Vs APSPDCL & 2 others

Petition U/Sec. 86(1)(b) r/w 86 (1) (f) of the Electricity Act, 2003 R/w APERC (Conduct of Business) Regulations, 1999 to direct the APSPDCL to act upon the PPA dt.30-03-2017 entered into with the petitioner for purchase of power from its 4.25 MW wind power project and to direct to pay for the power generated and supplied from the petitioner's project, for the period from the date of COD i.e., 30-03-2017 onwards along with interest and to direct APSPDCL to open irrevocable revolving letter of credit as per Article 5.4 of PPA dated 30-03-2017

I.A.No.10 of 2020 in O.P.No.9 of 2020

M/s.Vibrant Greentech India Pvt Ltd. Vs APSPDCL & 2 others

Application filed under Section 94(2) r/w 86(1) (b) and 86(1) (f) of the Electricity Act, 2003 read with APERC (Conduct of Business) Regulations, 1999 seeking directions to APSPDCL to make payment for the power supplied by the petitioner's 4.25 MW Wind Power Project (WPP) during the pendency of O.P.No.9 of 2020 at an appropriate interim tariff.

I.A.No.11 of 2020 in O.P. No.9 of 2020

M/s.Vibrant Greentech India Pvt Ltd. Vs APSPDCL & 2 others

Application filed under Section 94(2) r/w 86(1) (b) and 86(1) (f) of the Electricity Act, 2003 read with APERC (Conduct of Business) Regulations, 1999 seeking directions to the respondents to reconnect the petitioner's 4.25 MW WPP and to account the energy exported from the petitioner's project.

I.A.No.18 of 2020 in O.P. No.9 of 2020

M/s.Vibrant Greentech India Pvt Ltd. Vs APSPDCL & 2 others

Application filed by M/s Vibrant Greentech India Pvt.Ltd seeking advancement of the hearing from 16.09.2020 to 28.07.2020

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

We do not find any reason to advance the hearing of the O.P. Hence, I.A.No.18 of 2020 is dismissed. Call on 16-09-2020.

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MEMBER / TRS

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CHAIRMAN

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MEMBER / PRR

SR No.51 of 2020

M/s. Vaayu (INDIA) Power Corporation Limited filed a Petition U/sec 86(1)(a), 86(1)(b) & 86(1)(e) of the Electricity Act, 2003 seeking determination of tariff from 11th year onwards

Sri Vishal Gupta, learned senior counsel is present at the web hearing.

Learned senior counsel made a mention on registering O.P. filed in SR No.51 of 2020. After addressing the submissions, learned senior counsel fairly submitted that pending determination of the liability for payment of appropriate court fee, the petitioner will pay the court fee as assessed by the Commission and that in the event of the petitioner convincing the Commission that it is not liable to pay the said court fee, it may be refunded. In the light of the said submission, the office is directed to process the O.P. on receiving court fee as calculated by the Commission with liberty to the petitioner as submitted above.

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MEMBER / TRS

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CHAIRMAN

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MEMBER / PRR