

Record of proceedings dated 19-10-2019

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 D.V.S. Someswara Rao, SAO/APGENCO representing the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the respondents are present.

For counter of respondents, time extended at request of Sri P. Shiva Rao, learned Standing Counsel for the respondents till 23-11-2019.

Call on: 23-11-2019
at 11:00 AM

Sd/-
MEMBER / PRM

Sd/-
MEMBER/PR

Sd/-
CHAIRMAN

R.P.No.1 of 2019 in O.P.No.30 of 2018
M/s.Tirumala Cotton & Agro Products Limited and M/s. Ravali Spinners Pvt Ltd Vs
APTRANSCO, APSPDCL & APEPDCL

Petition under Regulation 49 of the APERC (Conduct of Business) Regulations, 1999 r/w Section 94 (f) of the Electricity Act, 2003 seeking review of the order dated 08-03-2019 passed by the Commission in O.P.No.30 of 2018 with respect to the Transmission Tariff of Wind Generators / Users for Captive purpose for FY 2019-20 to 2023-24

Sri Challa Gunaranjan, learned counsel for the petitioner, Sri P. Shiva Rao, learned Standing Counsel for the respondents, Sri R. Shiv Kumar, representing FAPCII & AP Spinning Mills Association and a representative from Andhra Pradesh Chambers of Commerce & Industry Federation are present.

At request of Sri P. Shiva Rao, learned Standing Counsel for the respondents, time extended for counter and responses to the objections till 16-11-2019.

Call on: 16-11-2019
at 11:00 AM

Sd/-
MEMBER / PRM

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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 D.V.S. Someswara Rao, SAO/APGENCO representing the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the respondents are present.

Reply of both the respondents filed. For rejoinder of the petitioner, time extended till 30-11-2019.

Call on: 30-11-2019
at 11:00 AM

Sd/-
MEMBER / PRM

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MEMBER/PR

Sd/-
CHAIRMAN

R.P.No.3 of 2019 in O.P.Nos.28 & 29 of 2018
M/s.Tirumala Cotton & Agro Products Limited and M/s. Ravali Spinners Pvt Ltd Vs
APSPDCL & APEPDCL

Petition under Regulation 49 of the APERC (Conduct of Business) Regulations, 1999 r/w Section 94 (f) of the Electricity Act, 2003 seeking review of the order dated 15-04-2019 passed by the Commission in O.P.No.28 & 29 of 2018 with respect to the Wheeling Tariff of Wind Generators / Users for Captive purpose for FY 2019-20 to 2023-24

Sri Challa Gunaranjan, learned counsel for the petitioners, Sri P. Shiva Rao, learned Standing Counsel for the respondents, Sri R. Shiv Kumar, representing FAPCII & AP Spinning Mills Association and a representative from Andhra Pradesh Chambers of Commerce & Industry Federation are present.

At request of Sri P. Shiva Rao, learned Standing Counsel for the respondents, for counter, time extended till 16-11-2019.

Call on: 16-11-2019
at 11:00 AM

Sd/-
MEMBER / PRM

Sd/-
MEMBER/PR

Sd/-
CHAIRMAN

O.P.No.46 of 2017
APSPDCL & APEPDCL Vs APGENCO & A.P. Solar Power Corporation Ltd

Petition filed under Section 86 (1) (b) of the Electricity Act, 2003 for approval of long term Power Purchase Agreement (PPA) signed by APDISCOMs with APGENCO on 01-07-2017 and to pass orders regulating the price for purchase of 400 MW solar power generated from the Ananthapuram-II Ultra Mega Solar Park proposed at Talaricheruvu (V), near Tadipatri, Anantapuramu Dist AP@the tariff of Rs.3.57 / Kwh

Sri P. Shiva Rao, learned Standing Counsel for the petitioners and Sri D.V.S. Someswara Rao, SAO/APGENCO representing the petitioner are present.

Sri P. Shiva Rao, learned Standing Counsel for the petitioners sought for further time for placing the response of the State Government regarding reduction of land price before the Commission and hence the matter is posted to 16-11-2019.

Call on: 16-11-2019
at 11:00 AM

Sd/-
MEMBER / PRM

Sd/-
MEMBER/PR

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 P. Shiva Rao, learned Standing Counsel for the petitioners and Sri D.V.S. Someswara Rao, SAO/APGENCO, representing the respondent are present.

Sri D.V.S. Someswara Rao, SAO/APGENCO sought for further time for filing counter. Hence, time extended till 23-11-2019.

Call on: 23-11-2019
at 11:00 AM

Sd/-
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CHAIRMAN

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. 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. Ostro Anantapur Wind Private Limited (vi) M/s. Ostro Andhra Wind Private Limited (vii) M/s. KCT Renewable Energy Private Limited (viii) M/s. Molagavalli Renewable Private Limited (ix) M/s. Sterling Agro Industries Limited; Sri P. Sri Raghu Ram, learned Senior Counsel on behalf of Sri P. Vikram, learned counsel for (i) M/s. Skiron Renewable Energy (Amidyala) Private Limited (ii) M/s. Vayuputhra Energy Private Limited (iii) M/s. Kanhur Wind Power Private Limited (iv) M/s. Animala Wind Power Private Limited (v) M/s. JED Solar Parks Private Limited & (vi) M/s. Poly Solar Parks Private Limited; Sri K. Syamala Rao, Deputy Manager representing (i) M/s. Eenadu Television Private Limited & (ii) M/s. Ushodaya Enterprises 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. Orange Anantapur Wind Power Private Limited; Sri Challa Gunaranjan, learned counsel for (i) M/s. Jindal Aluminium Limited (ii) M/s. Vibrant Green Tech India Limited & (iii) M/s. Sunwin Power Tech India Private Limited; Sri Guntur Promod Kumar (RNS Associates) learned counsel for M/s. PTC Energy Limited; Sri Avijeet Lala & Sri Nethan Reddy, representing Sri

Avinash Desai, learned counsel for M/s. Vayu Urja Bharat Private Limited are present.

I.A.No.21 of 2019 is filed by both the AP Discoms seeking reopening of the matter for further hearing on the Memo filed by the 41st respondent in O.P.No.17 of 2019 as the learned Advocate General will submit his arguments on the Memo and additional material also is sought to be submitted by the petitioners. The petitioners also filed I.A.No.22 of 2019 requesting to incorporate further prayers in O.P.No.17 of 2019 apart from also incorporating a plea to restrict the period of PPA to any period between 5 to 10 years from the date of commercial operation of the respective projects of the respondents as against the existing period of 25 years. The petitioners also filed I.A.No.23 of 2019 stating that the amendment petition filed by them has to be disposed of at the first instance before hearing the matter further on the Memo filed by the 41st respondent and otherwise the rights and contentions of the petitioners will suffer prejudice. It was further stated that the learned Advocate General is preoccupied for 10 days from 19-10-2019 and it is just and necessary to adjourn the hearing beyond 29-10-2019.

Sri P. Sri Raghu Ram, learned Senior Counsel appearing for the 41st respondent submitted that he and other representatives of the parties are in attendance before the Commission today for knowing the orders to be pronounced as originally fixed and he has nothing specific to submit today on the 3 Interlocutory Applications filed by the petitioners. In view of the request made by the petitioners about the learned Advocate General wishing to make his submissions before the Commission and his inability to appear before the Commission before the expiry of 10 days from today, a reasonable opportunity of hearing should be provided to the petitioners, irrespective

of the merits of the request and so the Interlocutory Applications for granting adjournment and reopening of the matter work themselves out. In so far as the third I.A.No.22 of 2019 is concerned, various learned counsel appearing for the respondents has sought for time for filing their respective counters.

Therefore, the matter, which is posted for orders on the Memo filed by the 41st respondent to today stands reopened for further hearing on the said Memo from the learned Advocate General of Andhra Pradesh and the other counsel for parties. I.A.No.21 and 23 of 2019 stand allowed accordingly. For counters in I.A.No.22 of 2019 and for further hearing on the Memo of the 41st respondent, the matter is posted to 02-11-2019.

Call on: 02-11-2019
at 11:00 AM

Sd/-
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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 Nethan Reddy, learned counsel representing Sri O. Manohar Reddy, learned counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the utilities are present.

At request of Sri Nethan Reddy, learned counsel representing Sri O. Manohar Reddy, learned counsel for the petitioner, the matter is posted for hearing to 30-11-2019.

Call on: 30-11-2019
at 11:00 AM

Sd/-
MEMBER / PRM

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MEMBER/PR

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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 Nethan Reddy, learned counsel representing Sri O. Manohar Reddy, learned counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the utilities are present.

At request of Sri Nethan Reddy, learned counsel representing Sri O. Manohar Reddy, learned counsel for the petitioner, the matter is posted for hearing to 30-11-2019.

Call on: 30-11-2019
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 Nethan Reddy, learned counsel representing Sri O. Manohar Reddy, learned counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the utilities are present.

At request of Sri Nethan Reddy, learned counsel representing Sri O. Manohar Reddy, learned counsel for the petitioner, the matter is posted for hearing to 30-11-2019.

Call on: 30-11-2019
at 11:00 AM

Sd/-
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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.

At request, the matter is posted to 23-11-2019.

Call on:

23-11-2019
at 11:00 AM

Sd/-
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CHAIRMAN

O.P.No.55 of 2019

M/s. Mytrah Vayu (Krishna) Private Limited Vs APSPDCL & APPCC

Petition under Section 86 (1) (f) read with Section 86 (1) (e) of the Electricity Act, 2003, Regulation 8 of the APERC (Conduct of Business) Regulations, 1999 as amended from time to time read with Article 10 of the Power Purchase Agreement seeking direction to APSPDCL and APPCC for releasing payment against the outstanding invoices towards sale of wind energy along with the interest/delayed payment surcharge on such delayed payments as per the PPA

M/s. Apporva Misra & Aditya K. Singh, 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 entered appearance for both the respondents and sought for time for filing counter. Hence, the matter is posted for counter to 02-11-2019.

Call on:

02-11-2019
at 11:00 AM

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O.P.No.56 of 2019

M/s. Mytrah Vayu (Tungabhadra) Private Limited Vs APSPDCL & APPCC

Petition under Section 86 (1) (f) read with Section 86 (1) (e) of the Electricity Act, 2003, Regulation 8 of the APERC (Conduct of Business) Regulations, 1999 as amended from time to time read with Article 10 of the Power Purchase Agreement seeking direction to APSPDCL and APPCC for releasing payment against the outstanding invoices towards sale of wind energy along with the interest/delayed payment surcharge on such delayed payments as per the PPA

M/s. Apporva Misra & Aditya K. Singh, 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 entered appearance for both the respondents and sought for time for filing counter. Hence, the matter is posted for counter to 02-11-2019.

Call on: 02-11-2019
at 11:00 AM

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CHAIRMAN

O.P.No.57 of 2019

M/s. Mytrah Vayu (Indravati) Private Limited Vs APSPDCL & APPCC

Petition under Section 86 (1) (f) read with Section 86 (1) (e) of the Electricity Act, 2003, Regulation 8 of the APERC (Conduct of Business) Regulations, 1999 as amended from time to time read with Article 10 of the Power Purchase Agreement seeking direction to APSPDCL and APPCC for releasing payment against the outstanding invoices towards sale of wind energy along with the interest/delayed payment surcharge on such delayed payments as per the PPA

M/s. Apporva Misra & Aditya K. Singh, 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 entered appearance for both the respondents and sought for time for filing counter. Hence, the matter is posted for counter to 02-11-2019.

Call on: 02-11-2019
at 11:00 AM

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MEMBER / PRM

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MEMBER/PR

Sd/-
CHAIRMAN

O.P.No.58 of 2019
M/s. Mytrah Vayu (Pennar) Private Limited Vs APSPDCL & APPCC

Petition under Section 86 (1) (f) read with Section 86 (1) (e) of the Electricity Act, 2003, Regulation 8 of the APERC (Conduct of Business) Regulations, 1999 as amended from time to time read with Article 10 of the Power Purchase Agreement seeking direction to APSPDCL and APPCC for releasing payment against the outstanding invoices towards sale of wind energy along with the interest/delayed payment surcharge on such delayed payments as per the PPA

M/s. Apporva Misra & Aditya K. Singh, 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 entered appearance for both the respondents and sought for time for filing counter. Hence, the matter is posted for counter to 02-11-2019.

Call on: 02-11-2019
at 11:00 AM

Sd/-
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CHAIRMAN

O.P.No.59 of 2019
M/s. Azure Power Infrastructure Pvt Ltd Vs APSPDCL & APPCC

Petition under Section 86 (1) (f) read with Section 86 (1) (e) of the Electricity Act, 2003, Regulation 8 of the APERC (Conduct of Business) Regulations, 1999 as amended from time to time read with Article 10 of the Power Purchase Agreement seeking direction to APSPDCL and APPCC for releasing payment against the outstanding invoices towards sale of wind energy along with the interest/delayed payment surcharge on such delayed payments as per the PPA

M/s. Aniket Prasoon & Priya Dhankhar, learned counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the utilities are present.

Sri P. Shiva Rao, learned Standing Counsel entered appearance for the 1st respondent and sought for time for filing counter. Hence, the matter is posted for counter to 02-11-2019.

Call on: 02-11-2019
at 11:00 AM

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I.A.No.19 of 2019 in O.P.No.35 of 2019
M/s. Vayu Urja Bharat Pvt. Ltd Vs APSPDCL

Application under Section 142 of the Electricity Act, 2003 read with Regulation 55 of the APERC (Conduct of Business) Regulations, 1999, as amended, seeking urgent directions against APSPDCL for the non-compliance of this Commission's order dated 31-08-2019 in O.P.No.35 of 2019

M/s. Aniket Prasoon & Priya Dhankhar, 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 respondent sought for time for filing counter in I.A.No.19 of 2019. Hence, the matter is posted to 02-11-2019.

Call on: 02-11-2019
at 11:00 AM

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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 Tushar Nagar, 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 entered appearance for both the respondents and sought for time for filing counter. Hence, the matter is posted for counter to 02-11-2019.

Call on: 02-11-2019
at 11:00 AM

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CHAIRMAN

O.P.No.61 of 2019 & I.A.No.20 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 mended 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

Sri Sanjay Sen, Sri Aniket Prasoon & Priya Dhankhar, 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 entered appearance for respondents 1 to 3. The learned counsel for the petitioner filed proof of service of notice on respondents 4 and 5 through the learned counsel for the petitioner on 15-10-2019 with respective endorsements on behalf of respondents 4 and 5 on the letters dated 15-10-2019 addressed to them by the learned counsel for the petitioner. However, none appeared on behalf of respondents 4 and 5. In view of the proof of service on respondents 4 and 5, no further notice is necessary. For counters of respondents 1 to 3, time extended at request till 02-11-2019.

Call on:

02-11-2019
at 11:00 AM

Sd/-
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CHAIRMAN

O.P.No.62 of 2019

M/s. WANEER Solar Pvt. Ltd Vs GoAP, APSPDCL & 4 others

Petition under Section 86(1) (e) & (f) of the Electricity Act, 2003 read with Regulations 55 and 57 of the Principal Regulation Andhra Pradesh Electricity

Regulatory Commission (Conduct of Business) Regulations, 1999 to declare revised Scheduled Commercial Operation Date (SCOD) of the 25 MW solar power project as 29.09.2016 due to Force Majeure Events as envisaged in the PPA and consequently direct the respondents to refund the amounts adjusted towards penalty amounting to Rs.18,74,70,000/- (Rupees Eighteen Crores Seventy Four Lakh Seventy Thousand only) and adjusted bank guarantees invoked amounting to Rs.6.36 Cr

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

Sri P. Shiva Rao, learned Standing Counsel entered appearance for respondents 2 to 5. Respondents 1 and 6 did not enter appearance. Notices sent to them are not returned. The petitioner shall take fresh personal notice on behalf of respondents 1 and 6 and provide proof of service of notice on the next date of hearing. For counters of respondents in the meanwhile. Hence, the matter is posted to 23-11-2019.

Call on:

23-11-2019
at 11:00 AM

Sd/-
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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 utilities are present.

Sri P. Shiva Rao, learned Standing Counsel entered appearance for respondents 1 to 3 and sought for time for filing counter. Hence, the matter is posted to 02-11-2019.

Call on:

02-11-2019
at 11:00 AM

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CHAIRMAN