

Record of proceedings dated 21-09-2019

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, 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. Viloo's Greenfield Farms (xi) M/s. Vibrant Green Tech India Limited & (xii) M/s. Sunwin Power Tech India Private Limited; Sri M. Abhinay Reddy, learned counsel representing Sri P. Vikram, learned counsel for (i) M/s. Skiron Renewable Energy (Amidyala) Private Limited (ii) M/s. Guttaseema Wind Energy Company Private Limited (iii) M/s. Ostro Anantapur Wind Private Limited (iv) M/s. Vayuputhra Energy Private Limited (v) M/s. Kanhur Wind Power Private Limited (vi) M/s. Animala Wind Power Private Limited (vii) M/s. JED Solar Parks Private Limited & (viii) M/s. Poly Solar Parks Private Limited and Sri Avijeeth Lala & Sri Nethan Reddy, learned counsel representing Sri Avinash Desai, learned counsel for M/s. Vayu Urja Bharat Private Limited are present.

Both the learned counsel stated that arguments in the main Writ Petitions i.e., W.P.No.2401/2019 & batch before the Hon'ble High Court of Andhra Pradesh have been concluded. The Hon'ble High Court reserved the matter for orders. Hence, the matter is posted to 19-10-2019.

Call on:

19-10-2019
at 11:00 AM

Sd/-
MEMBER / PRM

Sd/-
MEMBER / PR

O.P.No.33 of 2019
APSPDCL & APEPDCL Vs APGENCO

Petition u/s 86 (1) (b) of the Electricity Act, 2003 read with Section 21 (4) of the A.P. Reforms Act, 1998 requesting for granting consent to the Amended and Restated PPA dated 28-01-2019 in respect of 600 MW Rayalaseema Thermal Power Project (RTPP) - Stage IV at Muddanur, Cuddapah District.

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

At request of Sri P. Shiva Rao, learned Standing Counsel for the petitioners, the matter is posted to 28-09-2019.

Call on:

28-09-2019
at 11:00 AM

Sd/-
MEMBER / PRM

Sd/-
MEMBER / PR

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 are present.

At request, for counter, the matter is posted to 28-09-2019.

Call on:

28-09-2019
at 11:00 AM

Sd/-
MEMBER / PRM

Sd/-
MEMBER / PR

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, at request, the matter is posted to 19-10-2019.

Call on:

19-10-2019
at 11:00 AM

Sd/-
MEMBER / PRM

Sd/-
MEMBER / PR

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.

For counter, at request, the matter is posted to 19-10-2019.

Call on:

19-10-2019
at 11:00 AM

Sd/-
MEMBER / PRM

Sd/-
MEMBER / PR

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, Sri P. Shiva Rao, learned Standing Counsel for the respondents and Sri R. Shiv Kumar, representing FAPCII & AP Spinning Mills Association are present.

For counter, at request, the matter is posted to 19-10-2019.

Call on:

19-10-2019
at 11:00 AM

Sd/-
MEMBER / PRM

Sd/-
MEMBER / PR

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 and Sri P. Shiva Rao, learned Standing Counsel for the respondents are present.

For counter, at request, the matter is posted to 19-10-2019.

Call on:

19-10-2019
at 11:00 AM

Sd/-
MEMBER / PRM

Sd/-
MEMBER / PR

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

Ms. Pujitha Gorantla, learned counsel M/s. GMR Vemagiri Power Generation
Limited, Sri P. Shiva Rao, learned Standing Counsel for the utilities and Sri T. Uma
Sankar, learned counsel for M/s. Spectrum Power Generation Limited are present.

Time extended at request for counter of the 3rd respondent, responses of the
petitioner and the respondents to the objections of Sri M. Venugopala Rao, learned
objector and rejoinder by the petitioner to the counters of respondents 1 and 2 finally
till 28-09-2019.

Call on: 28-09-2019
at 11:00 AM

Sd/-
MEMBER / PRM

Sd/-
MEMBER / PR

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 and Ms. Pujitha Gorantla, learned counsel
M/s. GMR Vemagiri Power Generation Limited are present.

For hearing, the matter is posted to 28-09-2019.

Call on: 28-09-2019
at 11:00 AM

Sd/-
MEMBER / PRM

Sd/-
MEMBER / PR

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 and Ms. Pujitha Gorantla, learned counsel M/s. GMR Vemagiri Power Generation Limited are present.

Additional documents have been filed on behalf of the utilities. For hearing, the matter is posted to 28-09-2019.

Call on: 28-09-2019
at 11:00 AM

Sd/-
MEMBER / PRM

Sd/-
MEMBER / PR

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 and Ms. Pujitha Gorantla, learned counsel M/s. GMR Vemagiri Power Generation Limited, Intervention Petitioner are present.

For hearing, the matter is posted to 28-09-2019.

Call on: 28-09-2019
at 11:00 AM

Sd/-
MEMBER / PRM

Sd/-
MEMBER / PR

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

For hearing, the matter is posted to 28-09-2019.

Call on: 28-09-2019
at 11:00 AM

Sd/-
MEMBER / PRM

Sd/-
MEMBER / PR

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.

At request of Sri P. Shiva Rao, learned Standing Counsel for the petitioners to file response of the State Government regarding reduction of land price in writing, the matter is posted to 19-10-2019.

Call on: 19-10-2019
at 11:00 AM

Sd/-
MEMBER / PRM

Sd/-
MEMBER / PR

Public hearing in the matter of approval of Power Sale Agreement (PSA) signed by APDISCOMs with M/s. NTPC on 11-12-2017 and adoption of tariff under Section 63 of the Electricity Act, 2003 for purchase of 250 MW Solar Power from Kadapa Solar Park under NSM Phase-II, Batch-II, Tranche-I.

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

At request, the matter is posted to 28-09-2019.

Call on: 28-09-2019
at 11:00 AM

Sd/-
MEMBER / PRM

Sd/-
MEMBER / PR

O.P.No.36 of 2019
M/s. Ramagiri Renewable Energy Limited Vs APPCC & 2 others

Petition under Section 86 (1) (b) of the Electricity Act, 2003, read with read with the APERC (Conduct of Business) Regulations (Regulation 2 of 1999) for revision of approval for procurement of power with effect from 14-05-2018 by amending the approval dated 19-06-2018 and claiming for payment of amounts at a tariff of Rs. 2.33 / unit between the period of reconnection of supply and execution of amended PPA

Sri Deepak Chowdary, leaned counsel representing Sri Challa Gunaranjan, learned counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the respondents are present.

At request on behalf of the learned counsel for the petitioner, the matter is posted for hearing to 05-10-2019.

Call on: 05-10-2019
at 11:00 AM

Sd/-
MEMBER / PRM

Sd/-
MEMBER / PR

O.P.No.29 of 2019
M/s. Satya Maharshi Power Corporation Limited Vs APSPDCL & 3 others

Petition under Section 86 (1) (f) of the Electricity Act, 2003 and APERC (Conduct of Business) Regulations, 1999 for direction of payment of interest towards on delayed payment of power bills for the Financial Years 2016-17, 2017-18 in terms of PPA dated 10-05-2019

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

At request for hearing, the matter is posted to 05-10-2019.

Call on: 05-10-2019
at 11:00 AM

Sd/-
MEMBER / PRM

Sd/-
MEMBER / PR

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 M. Abhinay 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 the learned counsel for the petitioner, the matter is posted for hearing to 19-10-2019.

Call on: 19-10-2019
at 11:00 AM

Sd/-
MEMBER / PRM

Sd/-
MEMBER / PR

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 M. Abhinay 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 the learned counsel for the petitioner, the matter is posted for hearing to 19-10-2019.

Call on: 19-10-2019
at 11:00 AM

Sd/-
MEMBER / PRM

Sd/-
MEMBER / PR

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 M. Abhinay 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 the learned counsel for the petitioner, the matter is posted for hearing to 19-10-2019.

Call on: 19-10-2019
at 11:00 AM

Sd/-
MEMBER / PRM

Sd/-
MEMBER / PR

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 for further hearing to 19-10-2019.

Call on:

19-10-2019
at 11:00 AM

Sd/-
MEMBER / PRM

Sd/-
MEMBER / PR

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 respondents are present.

At request of the learned counsel for the petitioner, the matter is posted for hearing to 28-09-2019.

Call on:

28-09-2019
at 11:00 AM

Sd/-
MEMBER / PRM

Sd/-
MEMBER / PR

O.P.No.54 of 2019 & I.A.No.18 of 2019
Wind Independent Power Producers Association (WIPPA) Vs APSLDC &
APTRANSCO

Petition u/s 33 (4) of the Electricity Act, 2003 r/w Section 86 (1) (e) along with Regulation 16 (2) of the APERC (Conduct of Business) Regulations, 1999 seeking appropriate direction(s) / orders(s) from the Commission against the statutory authorities namely APSLDC and APTRANSCO to address and adjudicate the dispute arising due to non-performance of statutory obligations by the said entities and further seeking constitution of an Independent Committee to enquire and examine the conduct and actions of the said entities which has severely prejudiced the rights and interests of the Wind Power Developers of the State of Andhra Pradesh

Interlocutory Application filed for interim directions in the main petition

Sri Nethan Reddy, learned counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the respondents are present.

Report of the visit by the Hon'ble Member and two officers of the Commission to the location of ICTs 3 & 4 is filed. Copies of the same are handed over to the parties and for response, if any, the matter is posted to 05-10-2019.

Sri P. Shiva Rao, learned Standing Counsel for the respondents informed the Commission that ICT-4 is ready for commissioning and they are taking steps for restoration of ICT-3.

Progress report has been filed by Sri P. Shiva Rao, learned Standing Counsel for the respondents. He is also directed to submit a compliance report.

Call on:

05-10-2019
at 11:00 AM

Sd/-
MEMBER / PRM

Sd/-
MEMBER / PR