

Record of proceedings dated 21-10-2020

O.P.No.32 of 2020

APEPDCL Vs GoAP, APSPDCL & APCPDCL

In the matter of petition filed by APEPDCL, for approval of the Commission for additional subsidy requirement for additional units of supply to agriculture over and above the Tariff Order approved quantity due to extension of supply to agriculture from 7 Hrs. to 9 Hrs. a day from April -19 to March -2020 as per the directions of the Govt of AP Vide G.O.Ms.No.17 dt 15.02.2019 during day time in 2 spells under present NAVARATNALU programme of Govt. of A.P. in the jurisdiction of Eastern Power Distribution Company of Andhra Pradesh Limited in the state of Andhra Pradesh during FY 2019-20.

Sri P. Shiva Rao, learned Standing Counsel for the petitioner is present at the web hearing.

No objections from the general public have been received so far, despite public notice placed on the website of this Commission. Notice to respondent No.1 / GoAP through email as well as delivery in person. Call on 02-12-2020.

Sd/-
MEMBER / TRS

Sd/-
CHAIRMAN

Sd/-
MEMBER / PRR

O.P.No.33 of 2020

APEPDCL Vs ---

Petition seeking amendments to the Regulation No.4 of 2005 (Terms & Conditions for determination of Tariffs for Wheeling & Retail Sale of Electricity), in pursuant to Clause 8 (1) of Regulation No. 2 of 1999 for specification of Fuel & Power Purchase Cost Adjustment Formula (FPPCA) for pass through of power purchase cost variation on quarterly basis instead of Annually.

O.P No.35 of 2020

APSPDCL Vs ---

APSPDCL filed a petition seeking suitable amendment to clause 12.5 of Regulation No.1 of 2014, in pursuant to clause 8 (1) of Regulation No. 2 of 1999 for specification of Fuel & Power Purchase Cost Adjustment Formula (FPPCA) for pass through of Power Purchase Cost variation on quarterly basis instead of annual basis.

Sri P. Shiva Rao, learned Standing Counsel for the petitioner is present at the web hearing.

Despite public notice placed on the website of this Commission, no objections have been received so far. The Commission would like to give one more opportunity to the stakeholders for submitting their objections. Accordingly, the office is directed to place a fresh notice on the Commission's website calling for objections. Call on 02-12-2020.

Sd/-
MEMBER / TRS

Sd/-
CHAIRMAN

Sd/-
MEMBER / PRR

O.P.No.34 of 2020

APSPDCL Vs ---

Petition filed by APSPDCL seeking Determination of the True up for distribution business, for 3rd control period (FY 2014-15 to FY 2018-19) under Clause 19, Pg 11 of the Andhra Pradesh Electricity Regulatory Commission (Terms and Conditions for Determination of Tariff for Wheeling and Retail Sale of Electricity) Regulation No. 4 of 2005

Sri P. Shiva Rao, learned Standing Counsel for the petitioner is present at the web hearing.

Despite public notice placed on the website of this Commission, no objections have been received so far. The Commission would like to give one more opportunity to the stakeholders for submitting their objections. Accordingly, the office is directed to place a fresh notice on the Commission's website calling for objections. Call on 02-12-2020.

Sd/-
MEMBER / TRS

Sd/-
CHAIRMAN

Sd/-
MEMBER / PRR

I.A.No.36 of 2020 in I.A.No.5 of 2020 in I.A.No.7 of 2019 in I.A.No.6 of 2019 in O.P. No.8 of 2018

GMR Vemagiri Power Generation Ltd Vs ---

Application filed by GMR Vemagiri Power Generation Ltd in I.A. No.5 of 2020 in I.A. No. 7 of 2019 in I.A. No. 6 of 2019 in O.P. No. 8 of 2018 (**for being mentioned**)

I.A.No.37 of 2020 in I.A.No.6 of 2020 in I.A.No.6 of 2019 in O.P.No.8 of 2018

GMR Vemagiri Power Generation Ltd Vs ---

Application filed by GMR Vemagiri Power Generation Ltd in I.A.No. 6 of 2020 in I.A. No.6 of 2019 in O.P.No.8 of 2018 (***for being mentioned***)

Sri P. Shiva Rao, learned Standing Counsel for the petitioners / AP Discoms, Sri Challa Gunaranjan, learned counsel for M/s. Lanco Kondapalli Power Ltd and Ms. Pujitha Gorantla, learned counsel for M/s. GMR Vemagiri Power Generation Ltd are present at the web hearing.

I.A.No.36 of 2020: This application is filed to review the order dated 21-07-2020 in I.A.No.5 of 2020. After hearing, Ms. Pujitha Gorantla, learned counsel for the applicant and Sri P. Shiva Rao, learned Standing Counsel & Sri Challa Gunaranjan, learned counsel representing respective respondents, we find that the order under review suffers from patent error. Hence, the said order is recalled and this application is allowed.

I.A.No.37 of 2020: This application is filed to review the order dated 21-07-2020 in I.A.No.6 of 2020. After hearing, Ms. Pujitha Gorantla, learned counsel for the applicant and Sri P. Shiva Rao, learned Standing Counsel & Sri Challa Gunaranjan, learned counsel representing respective respondents, we find that the order under review suffers from patent error. Hence, the said order is recalled and this application is allowed.

I.A.No.5 of 2020: This application is filed for permitting the applicant to withdraw prayer (b) in I.A.No.7 of 2019 and to amend prayers in the said I.A. by substituting the original prayer with the following prayer:

- “(a) Stay the actions of the Discoms from continuing procurement of power from Respondent / LANCO based on APM/Non-APM/Pre-NELP gas on short term basis;
- (b) Direct Discoms to pay capacity charges to GVPGL, in the event Discoms are neither willing to resume APM/Non-APM/Pre-NELP gas supply to GVPGL from old IPPs nor scheduling power from GVPGL plant;
- (c) Grant such other relief as this Hon’ble Commission may deem fit in the facts and circumstances of the instant case.”

At the hearing, Ms. Pujitha Gorantla, learned counsel for the applicant submitted that the applicant seeks to withdraw prayer (c) also along with prayer (b) in I.A.No.7 of 2019.

Prayers (b) and (c) which are sought to be withdrawn read as under:

- “(b) Exercise its powers under Section 86 (2) of the Electricity Act, 2003 and direct AP Discoms to liaise with GoAP and recommend MoPNG, Government of India to resume the APM/Non-APM/Pre-NELP gas supply to GVPGL from old IPPs whose long term PPAs have expired and schedule GVPGL under Long Term PPA;
- (c) Direct Discoms to pay capacity charges to GVPGL, in the event Discoms are neither willing to resume APM/Non-APM/Pre-NELP gas supply to GVPGL from old IPPs nor scheduling power from GVPGL plant.”

Both Sri P. Shiva Rao and Sri Challa Gunaranjan submitted that they have no objection for allowing prayers of the applicant in *toto*. Accordingly this application

is allowed by permitting the applicant to give up prayers (b) and (c) in I.A.No.7 of 2019 and substituting the original prayers in I.A.No.7 of 2019 with new prayers as extracted above.

I.A.No.6 of 2020: This application is filed seeking amendment of the prayers in I.A.No.6 of 2019 (wrongly mentioned as I.A.No.6 of 2018 by the applicant) by deleting prayer (c) and amending prayers (a) and (d). At the hearing, Ms. Pujitha Gorantla submitted that the applicant seeks to withdraw prayer (d) also along with prayer (c) in I.A.No.6 of 2019. These two prayers read as under:

“(c) Exercise its powers under section 86 (2) of the Electricity Act, 2003 and direct AP Discoms to liaise with GoAP and recommend MoPNG, Government of India to resume the APM/Non-APM/Pre-NELP gas supply to GVPGL from old IPP’s whose long terms PPAs have expired;

(d) Direct Discoms to schedule generation from GVPGL under Long Term PPA with the APM/Non-APM/Pre-NELP gas so resumed from old IPPS or alternatively to direct the payment of capacity charges in case DISCOMs doesn’t want to procure the power”.

The applicant also sought for amendment of I.A.No.6 of 2019 by substituting the original prayer with the following prayer:

“(a) Allow the instant intervention application;

(b) Dismiss the instant petition filed by the AP Discoms for renewal of the expired PPA dated 31.03.1997 executed with M/s Lanco Kondapalli Power Limited and reject the proposed draft PPA dated 28.04.2017”.

Both Sri P. Shiva Rao and Sri Challa Gunaranjan submitted that they have no objection for allowing prayers of the applicant in *toto*. Accordingly this application is allowed by permitting the applicant to give up prayers (c) and (d) in I.A.No.6 of 2019 and substituting the prayers in I.A.No.6 of 2019 with new prayers as extracted above.

In the light of the above, this application is allowed in *toto*. Learned counsel for the applicant shall file amended I.As. within four weeks.

I.A.No.36 of 2020 and I.A.No.37 of 2020 shall accordingly stand disposed of.

Sd/-
MEMBER / TRS

Sd/-
CHAIRMAN

Sd/-
MEMBER / PRR

I.A.No.34 of 2020 in O.P.No.30 of 2016

M/s. SIFLON Drugs Vs APTRANSCO & APSPDCL
Petition under Section 142 of the Electricity Act, 2003 r/w Regulation 55 of the APERC (Conduct of Business) Regulations, 1999 for violating and dis-obeying the orders passed by the Commission dt.31-03-2018 in O.P.No.30 of 2016

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

Sri P. Shiva Rao, while undertaking to comply with the order dated 31-03-2018 in O.P.No.30 of 2016 within two weeks, also offered to file an affidavit explaining the reasons for non-compliance of the orders for more than two years. Call on 09-12-2020 for doing the needful.

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MEMBER / TRS

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CHAIRMAN

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MEMBER / PRR

I.A.No.39 of 2020 in I.A.No.19 of 2019 in O.P.No.35 of 2019

M/s. Vayu Urja Bharat Pvt. Ltd Vs APSPDCL

I.A.No.19 of 2020 - 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

I.A.No.39 of 2020 - Interlocutory Application on behalf of the Petitioner in I.A No.19 of 2019 in O.P.No.35 of 2019 seeking early hearing of the matter and directions against the Respondent for non-compliance of order dated 08-07-2020

Sri P. Sri Raghu Ram, learned senior counsel representing Sri Aniket Prasoon, learned counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the respondent are present at the web hearing.

Sri P. Shiva Rao requested for time for arguing I.A.No.19 of 2019. Call on 11-11-2020.

I.A.No.39 of 2020 accordingly stands disposed of.

Sd/-
MEMBER / TRS

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CHAIRMAN

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MEMBER / PRR

O.P.No.20 of 2020

M/s. Chaitanya Projects Vs APSPDCL & 2 others

Petition filed u/s 86 (1) (b) r/w 86 (1) (f) of the Electricity Act, 2003 r/w APERC (Conduct of Business) Regulation 1999 seeking directions to the Respondent No.1 to act upon the PPA dt.30-03-2017 entered into with the petitioner for purchase of power from its 0.8 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 the commissioning i.e., 29-03-2017 onwards along with interest and to direct the APSPDCL to open irrevocable revolving letter of credit as per Article 5.4 of PPA dt.30-03-2017.

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

Rejoinder has been filed. At the request of Sri P. Shiva Rao, call on 11-11-2020 for hearing.

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/s. 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 u/s 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 u/s 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.38 of 2020 in O.P.No.9 of 2020

Application filed by the Respondent No.1 / APSPDCL in OP No.9 of 2020 under Clause 16(3) R/w Clause 55 of APERC (Conduct of Business) Regulations 2 of 1999 for submitting additional documents

I.A.No.41 of 2020 in O.P.No.9 of 2020

Application filed by the petitioner under Clause 16 r/w Clause 55 of APERC (Conduct of Business) Regulations 2 of 1999 to receive the additional documents on behalf of the petitioner

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

As the issues involved in this case are identical to that in O.P.No.20 of 2020, at the request of the learned counsel for both parties, call along with O.P.No.20 of 2020 for hearing on 11-11-2020.

Sd/-
MEMBER / TRS

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CHAIRMAN

Sd/-
MEMBER / PRR

O.P.No.22 of 2020
M/s. Sardar Power Pvt Ltd Vs. APEPDCL

Petition u/s. 64 (1) r/w Ss 62 (1) (a) 61, 86 of the Electricity Act, 2003 for
determination of tariff for the supply of electricity of its 1.725 MW Minihydel project
to APEPDCL

Sri P. Shiva Rao, learned Standing Counsel for the respondent is present at the web hearing.

On a further request made by Sri P. Shiva Rao, two more weeks' time for filing counter is granted. Call on 09-12-2020.

Sd/-
MEMBER / TRS

Sd/-
CHAIRMAN

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MEMBER / PRR

O.P.No.24 of 2020& I.A.No.40 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.

Application filed by M/s. Blyth Wind Park Pvt Ltd u/s 94 (2) of the Electricity Act, 2003 in O.P.No. 24 of 2020 seeking interim relief by way of directions to Energy Billing Centre, APTRANSCO / APSLDC to immediately settle the energy account of the petitioner in terms of the APERC (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.

Sri P. Shiva Rao requested for time for filing counter in I.A.No.40 of 2020. Call the I.A. on 18-11-2020 for hearing.

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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.

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

At the request of Sri P. Shiva Rao, call on 11-11-2020.

Sd/-
MEMBER / TRS

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CHAIRMAN

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

In view of the failure of communication from the end of Sri O. Manohar Reddy, learned counsel for the petitioners after the cases were called, we are forced to adjourn the cases. Accordingly call on 18-11-2020.

Sd/-
MEMBER / TRS

Sd/-
CHAIRMAN

Sd/-
MEMBER / PRR

O.P.No.21 of 2020

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

Sri P. Shiva Rao requested for further time for filing counter. He shall file counter within two weeks' time and serve the same on the other side. The petitioner may file rejoinder, if any, within two weeks' thereafter. Call on 09-12-2020.

Sd/-
MEMBER / TRS

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CHAIRMAN

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MEMBER / PRR