

RECORD OF PROCEEDINGS DATED 23-11-2022

OP No. 57 of 2022 & I.A.No. 1 of 2022

M/s. Sumeru Energy Private Limited Vs. APSPDCL

Petition filed under section 86 (1)(e) & (f) of the Electricity, 2003 with a prayer to quash the notice issued by the APSPDCL to the petitioner to remove the additional PV modules installed in the solar park of the petitioner.

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OP No. 59 of 2022 & I.A.No. 1 of 2022

M/s. Sai Achyuth Energy Private Limited. Vs. APSPDCL

Petition filed under section 86 (1)(e) and (f) of Electricity Act, 2003 to direct the Respondents not to deduct any amounts from the invoices of the Petitioner on account of the alleged installation of DC Solar Panels over and above the contracted Capacity at the plant, and to pass such other order(s)/direction(s) which this Hon'ble Commission may deem fit and proper in the facts and circumstances of the present case.

Sri N.Jeevan Kumar, learned counsel for the petitioners and Sri P.Shiva Rao, learned Standing counsel for the respondent, are present at the hearing.

Both the learned counsel submitted that the issue raised in these OPs relates to installation of additional DC Panels; and that identical matters are part-heard and posted to 28-11-2022.

Accordingly, call these cases along with the batch on 28-11-2022. Meanwhile, the respondent may file counters.

Sd/-
Member/TRS

Sd/-
Chairman

OP No. 58 of 2022

M/s. Rain CII Carbon (Vizag) Limited Vs. APSLDC

Petition filed U/Sec. 86(I)(e) of the Electricity Act, 2003 R/w. Clause 9 of the APERC Renewable Power Purchase Obligation (Compliance by Purchase of Renewable Energy/Renewable Energy Certificates) Regulations, 2022.

Sri Deepak Chowdary, counsel representing Sri Challa Gunaranjan, learned counsel for the petitioner; and Sri P.Shiva Rao, learned Standing counsel for the respondent, are present at the hearing.

OP allowed, vide separate order.

Sd/-
Member/TRS

Sd/-
Chairman

OP No. 64 of 2021
M/s. Khandke Wind Energy Pvt Ltd Vs.APSPDCL

Petition filed u/s 86 (1) (e) and Section 86 (1) (f) of the Electricity Act, 2003 r/w Article 10 of the Power Purchase Agreements filed on behalf of M/s. Khandke Wind Energy Pvt Ltd for immediate strict compliance by APSPDCL with the provisions of the various Power Purchase Agreements entered into between the parties and for release of the amount due.

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OP No. 3 of 2022 & IA No 1 of 2022
New Era Enviro Venture (Mahabubnagar) Pvt. Ltd. Vs. APSPDCL

Petition filed under Section 86 (1) (e) & (f) of the Electricity Act, 2003 R/w. Regulation 55 of the APERC (Conduct of Business) Regulations, 1999 seeking directions to the Respondent, among other things, for payment of the outstanding dues and Late Payment Interest.

IA No. 1 of 2022 - Application filed under Section 94 (1) (2) of the Electricity Act, 2003 R/w. Regulation 55 of the APERC (Conduct of Business) Regulations, 1999 seeking a direction to the Respondent to release at least 50% of the total outstanding amount.

Sri V.Akshaya Babu, learned counsel for the petitioners; and Sri P. Shiva Rao, learned Standing Counsel for respondent, are present at the hearing.

During the hearing, joint applications on behalf of CMD, APSPDCL and JMD/Member Convenor of APPCC have been filed, wherein they have requested to dispense with their presence today due to their personal inconvenience. They have also stated in their applications that certain amounts, in compliance with the order dated 16-3-2022, have been paid on 26-10-2022-the last date of hearing.

At the hearing, Sri V.Akshaya Babu, learned counsel for the petitioners, submitted that even if subsequent payments are taken into consideration, the respondent failed to fully comply with the orders dated 16-3-2022 and 26-10-2022.

Sri P.Shiva Rao, learned Standing Counsel for the respondent, submitted that on the next date of hearing, the CMD, APSPDCL and JMD/Member Convenor, APPCC will personally appear and explain on the compliance or otherwise of the aforementioned orders of the Commission.

Having regard to the difficulties explained by the CMD of the respondent and JMD of APPCC, their presence for today's hearing is dispensed with. On the next date of hearing both of them shall be personally present along with the required calculations in order to substantiate their plea that they have complied with the orders dated 16-3-2022 and 26-10-2022.

Call on 01-2-2023.

Sd/-
Member/TRS

Sd/-
Chairman

OP No.1 of 2022
OP No. 2 of 2022
Greenko Uravakonda Wind Power Pvt. Ltd., Vs. APSPDCL
Greenko Anantapur Wind Power Pvt. Ltd., Vs. APSPDCL

Petitions filed under Section 86(1)(f) of the Electricity Act, 2003 R/w Regulation No. 2 of 2005; R/w Interim Balancing & Settlement Code for Open Access Transactions) Regulation 2006 (No.2 of 2006) along with amendments made from time to time, to direct the respondents to grant Open Access subject to payment necessary charges.

Sri V.Akshaya Babu, learned counsel for the Petitioners; and Sri P.Shiva Rao, learned Standing Counsel for the respondents, are present at the hearing.

Rejoinders have been filed. Call the cases for hearing on 12-4-2023.

Sd/-
Member/TRS

Sd/-
Chairman

OP No. 23 of 2022 & IA No. 1 of 2022
M/s. Ayaana Ananthapuram Solar Pvt Ltd Vs. NTPC, APSPDCL & APEPDCL

Petition filed under Section 86(1)(f) of the Electricity Act, 2003 and Article 12 of the Power Purchase Agreement dated 17.07.2018 between the Petitioner and the Respondent No. 1 seeking relief on account of Change in Law, viz., the imposition of Safeguard Duty by way of the Notification No. 01/2018 Customs (SG) dated 30.07.2018 issued by the Department of Revenue, Ministry of Finance, Government of India and subsequent extension/continuation thereof by way of Notification No. 02/2020 Customs (SG) dated 29.07.2020.

OP No. 24 of 2022 & IA No. 1 of 2022 IA No.2 of 2022
M/s. Adani Solar Energy AP Seven Private Limited Vs. NTPC, APEPDCL & APSPDCL

Petition filed under section 86(1) (f) and (k) of the Electricity Act, 2003 and Article 12 of the Power Purchase Agreement dated 05-07-2018 executed between the Petitioner and NTPC limited, seeking relief on account of a change in law event, viz., the imposition of Safeguard Duty by Notification No.01/2018 Customs (SG) dated 30-07-2018, issued by the Department of Revenue, Ministry of Finance, Govt. of India

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OP No. 25 of 2022
M/s Spring Agnitra Private Limited Vs. NTPC, APSPDCL & APEPDCL

Petitioner filed under section 86(1)(b) read with section 86(1)(f) of the Electricity Act, 2003 along with Section 86(1)(k) of the Electricity Act, 2003 for (i) declaration of the event of introduction and imposition of Safeguard Duty by way of Notification No.1/2018 - Customs SG dated 30-07-2018 and Notification No.2/2020 - Customs SG dated 29-07-2020 issued by the Department of Revenue, Ministry of Finance as "Change in Law" and (ii) grant of consequential relief to compensate for the increase in capital cost due to the Change in Law, in terms of Article 12 of the PPA dt. 05-07-2018 executed between the petitioner and NTPC Ltd.

Sri S.Ravi, Senior Counsel representing the petitioners; Ms. Sakie Jakaria, learned counsel for respondent No.1; and Sri P.Shiva Rao, learned Standing Counsel for respondent Nos.2 & 3, are present at the hearing.

Since Sri P.Raja Gopal Reddy, Member, is not attending today's hearing and the cases require a detailed hearing, they are adjourned to 08-2-2023.

Sd/-
MEMBER/TRS

Sd/-
CHAIRMAN

O.P.No. 21 of 2020 & IA No.1 of 2022
Tata Power Renewable Energy Ltd Vs. APSPDCL, APSLDC & APTRANSCO

Petition filed for directions treating the loss of 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 Vineet Kumar, counsel representing Sri Shri Venkatesh, learned counsel for the Petitioner, and Sri P.Shiva Rao, learned Standing Counsel for the respondents, are present at the hearing.

At the request of Sri P.Shiva Rao, learned Standing Counsel for the respondents, call on 15-2-2023.

Sd/-
Member/TRS

Sd/-
Chairman

OP No 41 of 2022
M/s. Balaji Energy Pvt. Ltd., Vs. APSPDCL, APTRANSCO, APPCC

Petition filed u/s 86(1)(f) r/w 86(1)(k) of the Electricity Act, 2003 read with Clause 55 of the APERC (Conduct of business) Regulations seeking a direction for selling the power to 3rd parties under Open Access from 2 x 6 MW mini hydel power project at Somasila, Nellore District, Andhra Pradesh by cancelling the existing PPA

Sri S.Ravi, learned Senior Counsel for the Petitioner and Sri P.Shiva Rao, learned Standing Counsel for the respondents, are present at the hearing.

OP allowed, vide separate order.

Sd/-
Member/TRS

Sd/-
Chairman