

Record of proceedings dated 23-06-2020

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 District, AP @ the tariff of Rs.3.57 / Kwh

We have heard Sri P. Shiva Rao, learned Standing Counsel for the Discoms, Sri D.V.S. Someswara Rao, Deputy Chief Controller of Accounts, APGENCO and Sri M. Venugopala Rao, one of the learned objectors, through the web hearing. Hearing is closed. Orders reserved.

Sd/-
MEMBER / TRS

Sd/-
CHAIRMAN

Sd/-
MEMBER / PRR

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

Heard Sri P. Shiva Rao, learned Standing Counsel for the petitioners, Sri K. Gopal Choudary, learned counsel for the respondent and Sri M. Venugopala Rao, learned objector through web hearing. Both the learned counsel as well as Sri M. Venugopala Rao have offered to file brief written submissions on the following three aspects which were identified and clarified by them during the hearing within three weeks:

1. *“Payment of fixed charges on normative availability of power of 85% of the capacity and the incentive also to commence from above 85%;*
2. *Non-payment of fixed charges for backing down & third party sales by APPDCL in such an eventuality;*
3. *Deletion of stipulation to claim fixed charges during force majeure”.*

Orders reserved.

Sd/-
MEMBER / TRS

Sd/-
CHAIRMAN

Sd/-
MEMBER / PRR

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 for the Discoms is present at the web hearing.

Sri P. Shiva Rao, learned Standing Counsel for the Discoms requested for further time for filing response to various objections filed by the objectors. Objections shall be placed on the Commission’s website to enable the objectors to file their further responses, if any. Call on 21-07-2020.

Sd/-
MEMBER / TRS

Sd/-
CHAIRMAN

Sd/-
MEMBER / PRR

I.A. No. 3 of 2019 in O.P. No.8 of 2018 & batch
Lanco Kondapalli Power Ltd Vs APSPDCL, APEPDCL

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.3/2019 in O.P.No.8/2018

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

Application filed by M/s. GMR Vemagiri Power Generation Ltd for amendment of prayer

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

Application filed by M/s. GMR Vemagiri Power Generation Ltd for amendment of prayer

Sri K. Gopal Choudary & Sri Challa Gunaranjan, learned counsel for the applicant / respondent, Sri P. Shiva Rao, learned Standing Counsel for the respondents / petitioners, Ms. Pujitha Gorantla, learned counsel for GMR Vemagiri Power Generation Limited and Sri M. Venugopala Rao, learned objector are present at the web hearing.

At the request of Sri K. Gopal Choudary, learned counsel, call I.A.No.5 of 2020 in IA No. 7 of 2019 in I.A.No.6 of 2019 in O.P.No. 8 of 2018 & I.A.No.6 of 2020 in I.A No.6 of 2019 in in O.P.No. 8 of 2018 on 21-07-2020.

I.A.No.3 of 2019 is posted to 07-07-2020.

Sd/-
MEMBER / TRS

Sd/-
CHAIRMAN

Sd/-
MEMBER / PRR

O.P.No.42 of 2019
M/s. Srivathsa Power Projects Pvt Ltd Vs APEPDCL

Petition filed u/s 86 (1) (b) of the Electricity Act, 2003 r/w Clause 55 of APERC (Conduct of Business) Regulations to reconsider the fixation of variable cost on pass through basis instead of variable rate of Rs.2.91/- per unit in respect of the petitioner.

Ms. Rashmi G Kamath from Indus Law Firm, learned counsel for the petitioner, Sri P. Shiva Rao, learned Standing Counsel for the respondent and Sri M. Venugopala Rao, learned objector are present at the web hearing.

Call along with I.A.No.3 of 2019 in O.P.No.8 of 2018 on 07-07-2020.

Sd/-
MEMBER / TRS

Sd/-
CHAIRMAN

Sd/-
MEMBER / PRR

I.A.Nos.24 & 25 of 2019 in O.P.No.62 of 2019
M/s. WANEEP 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

I.A.No.24 of 2019 - to permit the petitioner to raise additional grounds and also amend the prayer by adding prayer (d) to the prayer already made in O.P.No.62 of 2019

I.A. No. 25 of 2019 - to direct the 4th Respondent not to recover the Liquidated damages and GST for balance 1 (One) day amounting to Rs.20,83,000/- and Rs.3,41,19,450/- respectively, in pursuance of Lr. No.CGM/IPC/GM/IPC/EE-II/F.Waneep(G)/D.No.422/19 dated 18-09-2019 issued by 3rd Respondent, pending disposal of the O.P.No. 62 of 2019

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.

Pleadings are complete. At the request of learned counsel for both parties, call on 04-08-2020 for hearing.

Sd/-
MEMBER / TRS

Sd/-
CHAIRMAN

Sd/-
MEMBER / PRR

O.P.No.18 of 2020
M/s. Khandaleru Power Company Ltd Vs APSPDCL & 3 others

Petition under Section 86 (1) (f) of the Electricity Act, 2003 r/w APERC (Conduct of Business) Regulation, 1999, seeking adoption of tariff discovered through competitive bidding for procurement of 6 MW capacity power from the petitioner's Mini Hydel Project at Khandaleru Reservoir, Khandaleru, Nellore District in terms of the PPA dated 16-02-2019

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.

Counter affidavit is filed. At the request of the learned counsel for the petitioner, call on 04-08-2020 for rejoinder. Sri P. Shiva Rao, learned Standing Counsel submitted that meanwhile, payment for the power received will be made to the petitioner.

Sd/-
MEMBER / TRS

Sd/-
CHAIRMAN

Sd/-
MEMBER / PRR

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

Call along with I.A.No.3 of 2019 in O.P.No.8 of 2018 on 07-07-2020.

Sd/-
MEMBER / TRS

Sd/-
CHAIRMAN

Sd/-
MEMBER / PRR

I.A.No.10 of 2020 in O.P.No.9 of 2020
M/s Vibrant Greentech India Pvt. Ltd Vs APSPDCL & 3 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 & 3 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.

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.

There is a serious dispute regarding legality of the Power Purchase Agreement entered into by the parties. Admittedly, the power has been disconnected after filing of the Original Petition and the respondents are not receiving any power since then. As the respondents are seriously disputing the entitlement of the petitioner to supply power in the absence of approved Power Purchase Agreement by this Commission, we are not inclined to grant interim order. Post I.A.No.11 of 2020 along with the O.P. for final disposal on 21-07-2020.

Sd/-
MEMBER / TRS

Sd/-
CHAIRMAN

Sd/-
MEMBER / PRR