

Record of proceedings dated 23-11-2019

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 K. Gopal Choudary, learned counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the respondents are present.

Sri P. Shiva Rao presented a copy of Counter Affidavit on behalf of respondents after serving a copy thereof on Sri K. Gopal Choudary, learned counsel for the petitioner. At the request of Sri K. Gopal Choudary, post on 21-12-2019.

Call on: 21-12-2019
at 11:00 AM

Sd/-
MEMBER / PRM

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 K. Gopal Choudary, learned counsel for the respondent are present.

Sri P. Shiva Rao, learned Standing Counsel for the petitioners/utilities requested for time for instructions and rejoinder, if any.

Call on: 21-12-2019
at 11:00 AM

Sd/-
MEMBER / PRM

Sd/-
CHAIRMAN

O.P.No.46 of 2019
M/s. Nava Bharat Ventures Ltd Vs APEPDCL & Dy. CCA (PSS), APPCC

Petition under Section 86 (1) (f) of Electricity Act, 2003 challenging the unilateral re-categorization of the petitioner's category falling under HT (I) in terms of Article 2.5 of PPA dt.06.05.2006 to HT (II) (F) despite exercising option to continue under existing category and adjustment and/or withholding of the charges levied on import of power for the FY 2018-19, computed as per HT (II) (F) tariff without any intimation of the same

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

Further time for filing rejoinder is sought for by the petitioner. Learned counsel has undertaken that no further time will be requested for this purpose.

Call on:

14-02-2020
at 11:00 AM

Sd/-
MEMBER / PRM

Sd/-
CHAIRMAN

O.P.No.48 of 2019
M/s EID-Parry (India) Ltd Vs APEPDCL & APPCC

Petition under Section 86 (1) (f) of Electricity Act, 2003 challenging the unilateral re-categorization of the petitioner's category falling under HT (I) in terms of Article 2.5 of PPA dt.14.08.2001 to HT (II) (F) despite exercising option to continue under existing category and adjustment and/or withholding of the charges levied on import of power for the FY 2018-19, computed as per HT (II) (F) tariff without any intimation of the same

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

Further time for filing rejoinder is sought for by the petitioner. Learned counsel has undertaken that no further time will be requested for this purpose.

Call on:

14-02-2020
at 11:00 AM

Sd/-
MEMBER / PRM

Sd/-
CHAIRMAN

O.P.No.49 of 2019

M/s. K.C.P. Sugars & Industries Corporation Limited Vs APSPDCL & APPCC

Petition under Section 86 (1) (f) of Electricity Act, 2003 challenging the unilateral re-categorization of the petitioner's category falling under HT (I) in terms of Article 2.5 of PPA dt.21.01.2003 to HT (II) (F) despite exercising option to continue under existing category and adjustment and/or withholding of the charges levied on import of power for the FY 2018-19, computed as per HT (II) (F) tariff without any intimation of the same

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

Further time for filing rejoinder is sought for by the petitioner. Learned counsel has undertaken that no further time will be requested for this purpose.

Call on:

14-02-2020
at 11:00 AM

Sd/-
MEMBER / PRM

Sd/-
CHAIRMAN

O.P.No.51 of 2019

M/s. SNJ Sugars and Products Ltd. (Formerly Known as Sagar Sugars & Allied Products Ltd) Vs APSPDCL & APPCC

Petition under Section 86(1) (f) of Electricity Act, 2003 r/w. APERC (Conduct of Business) Regulation, 1999 challenging the unilateral re-categorization of the petitioner's category from HT (I) to HT (II) (F) contrary to Cause 2.5 of PPA dated 10-07-2002 even after availing their option not to change the category, adjustment to the charges computed as per HT (II) (F) tariff without any intimation of the same

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

Further time for filing rejoinder is sought for by the petitioner. Learned counsel has undertaken that no further time will be requested for this purpose.

Call on:

14-02-2020
at 11:00 AM

Sd/-
MEMBER / PRM

Sd/-
CHAIRMAN

O.P.No.43 of 2019 & I.A.No.17 of 2019
M/s. ITC Limited Vs APSPDCL & 3 others

Petition under Section 86(1)(b) and 86(1)(f) of the Electricity Act, 2003 read with Regulation 55 of the APERC (Conduct of Business) Regulations, 1999 for directions to be issued to the Respondents in relation to making payment for the energy injected into the grid owing to unlawful denial of open access in compliance with the order dated 13.06.2016 passed by the Central Electricity Regulatory Commission

Sri P. Vikram, 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 utilities requested for some more time for filing Counter Affidavit in the O.P.

Call on: 14-02-2020
at 11:00 AM

Sd/-
MEMBER / PRM

Sd/-
CHAIRMAN

O.P.No.45 of 2019
South Indian Sugar Mills Association (SISMA) & 3 others Vs APSPDCL; APEPDCL & APPCC

Petition filed under section 86 (1) (e) & 181 (zp) of the Electricity Act, r/w Clause 19 of Regulation No.3 of 2017 and Clause 55 (1) & (2) of APERC (Conduct of Business) Regulation, 1999 for revisiting and Clarifying Clause 17 of the APERC Regulation on Power Evacuation from Captive Generation, Cogeneration and Renewable Energy Source Power Plants (Regulation No. 3 of 2017) to the extent of applying the same to the existing bagasse based co-generation plants having long term Power Purchase Agreements (PPAs) with Discoms

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

Learned counsel for the petitioners requested for further time for filing rejoinder.

Call on: 18-02-2020
at 11:00 AM

Sd/-
MEMBER / PRM

Sd/-
CHAIRMAN

I.A.No.9 of 2019 in O.P.No.2 of 2015
Andhra Pradesh Ferro Alloys Producers Association; M/s. Abhijeet Ferrotech Ltd &
M/s.Andhra Ferro Alloys Ltd Vs CMD / APEPDCL & Principal Secretary,
Government of AP Energy, Infrastructure & Investment (Power) Department

Petition filed under Sections 62 read with 86 of the Electricity Act, 2003 for revisiting
of the conditions stipulated in the Retail Supply Tariff Order for FY 2015-16 the
category of HT-1(b) consumers

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

Further time for filing rejoinder is sought for by the petitioners.

Call on: 05-03-2020
at 11:00 AM

Sd/-
MEMBER / PRM

Sd/-
CHAIRMAN

I.A.No.10 of 2019 in O.P.No.12 of 2015
Andhra Pradesh Ferro Alloys Producers Association & M/s. Sai Laxmi Tulasi Ferros
Pvt. Ltd Vs APSPDCL & Principal Secretary,
Government of AP Energy, Infrastructure & Investment (Power) Department

Petition filed under Sections 62 read with 86 of the Electricity Act, 2003 for revisiting
of the conditions stipulated in the Retail Supply Tariff Order for FY 2015-16 the
category of HT-1(b) consumers

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

Further time for filing rejoinder is sought for by the petitioners.

Call on: 05-03-2020
at 11:00 AM

Sd/-
MEMBER / PRM

Sd/-
CHAIRMAN

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

Pleadings are completed. Both the learned counsel expressed their readiness to advance their submissions on the next date of hearing.

Call on:

03-12-2019
at 11:00 AM

Sd/-
MEMBER / PRM

Sd/-
CHAIRMAN

I.A. Nos. 24 & 25 of 2019 in 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

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

I.A.No.24 of 2019 is an application filed permitting to raise additional grounds and also amend the prayer (d) to the existing prayer in O.P.No.62 of 2019. Sri P. Shiva Rao, learned Standing Counsel for the respondents/utilities has no objection for granting the prayer in the application. Accordingly, the application is ordered. The petitioner shall file amended copy of the O.P. within 2 weeks after serving the same on the learned Standing Counsel for the respondents.

I.A.No.25 of 2019 put up along with O.P.No.62 of 2019.

Call on: 05-03-2020
at 11:00 AM

Sd/-
MEMBER / PRM

Sd/-
CHAIRMAN

O.P. No.65 of 2019
M/s. TGV SRAAC Ltd Vs APTRANSCO, APSPDCL & NREDCAP

Petition under Section 86(1) (f) of the Electricity Act, 2003 read with Regulation 55 of the APERC (Conduct of Business) Regulations, 1999 for adjudication of the disputes between the parties in respect of giving credit of about 73,68,610 units of wind power generated and evacuated into Grid between April, 2016 to July, 2019 in the energy bills of the petitioner

Sri Alladi Ravinder, 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 respondents/utilities requested for time for filing Counter Affidavit.

Call on: 18-02-2020
at 11:00 AM

Sd/-
MEMBER / PRM

Sd/-
CHAIRMAN

O.P.No.34 of 2019

M/s. JSW Power Trading Company Ltd Vs APSPDCL
Petition under Sections 86 (1) (f) & other applicable provisions of the Electricity Act,
2003 and Regulations made thereunder seeking direction to respondent for
payment of unlawfully withheld amount including interest for the supply of energy to
respondent under Purchase Order dated 21-08-2014 and Power Purchase
Agreement dated 29-09-2014

We have heard Sri Suraj D. Guru (AR) of the petitioner and Sri P. Shiva Rao,
learned Standing Counsel for the respondent.

During the hearing, the AR while submitting that no part of the debt is barred by
limitation, alternatively suggested that even if Article 25 of the Limitation Act applies,
as the Late Payment Surcharge liability has to be calculated on a day-to-day basis,
claims from SI.No.10 upto SI.No.52 are within the limitation. Sri P. Shiva Rao,
learned Standing Counsel submitted that even if alternative submission of AR is
accepted, it imposes heavy burden of Rs.44 crores on the respondent, which is
already in deep financial crisis. He requested for an adjournment to hold negotiations
with the petitioner company for arriving at a negotiated settlement.

Call on:

20-12-2019
at 11:00 AM

Sd/-
MEMBER / PRM

Sd/-
CHAIRMAN