

Record of Proceedings Dated 26-07-2023

OP No. 55 of 2023

M/s.APEPDCL, Visakhapatnam

(Petition filed by M/s. APEPDCL seeking approval of the Honourable Commission to consider issuing suitable Amendment to certain Clauses of the APERC (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 hearing.

Since the matter relates to amendment of Regulation 4 of 2005, we feel it appropriate to put this petition in the public domain to enable all the stakeholders to participate in the public hearing. Accordingly, the office shall put-up a notice on the Commission's website calling for objections/views from all the stakeholders within a period of four weeks.

Call on 13-9-2023.

**Sd/-
MEMBER/PVRR**

**Sd/-
MEMBER/TRS**

OP No. 56 of 2023

M/s. BIOP Steels & Power Pvt Ltd., Vs. APSLDC

(Petition filed under Section 86(1)(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, 2012, APERC Renewable Power Purchase Obligation (Compliance by Purchase of Renewable Energy/Renewable Energy Certificates) Regulations, 2017 and APERC Renewable Power Purchase Obligation (Compliance by Purchase of Renewable Energy/Renewable Energy Certificates) Regulations, 2022 seeking to exempt the Petitioner company from the RPPO)

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.

Counter-affidavit is filed.

Sri Deepak Chowdary requested four weeks' time for filing a rejoinder.
Time is, accordingly, granted.

Call on 20-9-2023.

Sd/-
MEMBER/PVRR

Sd/-
MEMBER/TRS

OP No. 51 of 2023

M/s. Sree Venkata Sreedevi Power LLP Vs. APSPDCL & APPCC

(Petition filed under Section 142 of the Electricity Act, 2003 r/w Regulation 55 of the APERC (Conduct of Business) Regulation, 1999 for contravention and Non-implementation of the final order passed by this Hon'ble Commission dated.23.03.2022 in O.P.No.92 of 2021)

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

Sri P.Shiva Rao, learned Standing Counsel for the respondents, filed an application signed by the General Manager, Accounts, APCPDCL, Vijayawada, seeking to dispense with the presence of the CMD of APSPDCL and the JMD/Member Convenor of APPCC before this Commission today, on the ground that the CMD has to appear in a Contempt Case before the Honourable High Court and the JMD/Member Convenor has to attend a crucial Board Meeting today.

Considering the same, the presence of the CMD, APSPDCL and the JMD/Member Convenor of APPCC, is dispensed with.

Sri Deepak Chowdary submitted that out of the admitted amount of Rs.55.79 lakhs, the petitioner has received about Rs.44.00 lakhs and the balance is yet to be paid. Sri P.Shiva Rao submitted that the respondents have paid all the admitted amounts.

Since there is a dispute regarding the amounts to be paid, the respondents are directed to reconcile the same and to pay the balance amounts, if any, to the petitioner by the next date of hearing.

Call on 20-9-2023 for reporting compliance.

**Sd/-
MEMBER/PVRR**

**Sd/-
MEMBER/TRS**

OP No. 45 of 2023

M/s. Mytrah Vayu (Krishna) Private Limited Vs. APSPDCL & Ors.

OP No. 46 of 2023

M/s. Mytrah Vayu (Indravati) Private Limited Vs. APSPDCL & Ors.

OP No. 47 of 2023

M/s. Mytrah Vayu (Tungabhadra) Private Limited Vs. APSPDCL & Ors.

OP No. 48 of 2023

M/s. Mytrah Vayu (Krishna) Private Limited Vs. APSPDCL & Ors.

OP No. 49 of 2023

M/s. Mytrah Vayu (Krishna) Private Limited Vs. APSPDCL & Ors.

OP No. 50 of 2023

"M/s. Mytrah Vayu (Tungabhadra) Private Limited Vs. APSPDCL & Ors.

(Petitions filed under Sections 86(1)(f) and 86(1)(k) of the Electricity Act, 2003 seeking issuance of directions to Respondent No.1, for payment of the amounts towards the energy generated over and above 23.5% Capacity Utilisation Factor pertaining to the respective wind power projects of the Petitioners)

Ms. Grancy Bonam, counsel representing Sri P.Ravi Charan, learned counsel for the Petitioners; and Sri P. Shiva Rao, learned standing counsel for the Respondents; are present at the hearing.

Counter affidavits are filed.

Ms. Grancy Bonam requested time for filing rejoinders. Four weeks' time is, accordingly, granted.

Call on 27-9-2023.

**Sd/-
MEMBER/PVRR**

**Sd/-
MEMBER/TRS**

OP.No. 52 of 2023**M/s Maddimadugu Power Pvt. Ltd. (MPPL) Vs. APSPDCL, APSLDC, APPCC**

(Petition filed under Section 42, 86(1)(e) read with Section 86(1)(f) of the Electricity Act, 2003 to quash the Notice dated 12.03.2020 issued by the APSPDCL as well as the purported Vigilance Inspection Report dated 16.09.2019 and issuance of appropriate directions to APSPDCL to release the outstanding dues amounting to Rs. 7,55,21,135/- (Rupees Seven Crores, Fifty Five Lakhs, Twenty One Thousand, One hundred and thirty five only) wrongfully withheld from the energy sales invoices for the period November 2019 to February 2023 qua the 5 MW project set up by the Petitioner)

Sri P. Shiva Rao, learned standing counsel for the Respondents is present at the hearing.

Counter-affidavit is filed.

None appeared on behalf of the Petitioner.

Call on 27-9-2023 for rejoinder, if any, by the petitioner.

Sd/-
MEMBER/PVRR

Sd/-
MEMBER/TRS

OP No. 34 of 2023**APDISCOMs Vs. M/s Neyveli Lignite Corporation**

(Petition filed by APDISCOMs seeking grant of consent for the extended PPA Dated:21-02-2015 with NLC Power Station Stage-I Plant with Installed Capacity 3x210 MW(630MW)-APDISCOMs share 7.428% & with NLC Power Station Stage-II Plant, Installed Capacity 4x210 MW(840 MW)-APDISCOMs share 10.205% in accordance with Section 21 of the the AP Electricity Reform Act,1998 and Section 86 (1) (b) of the Electricity Act, 2003)

OP No. 35 of 2023**APDISCOMs Vs. M/s. National Thermal Power Corporation Limited**

(Petition filed by APDISCOMs seeking Grant of consent for the PPA Dated: 23-09-2010 with NTPC,Kudgi SuperThermal Power Project Stage-I Plant, Installed Capacity 3x800 MW(2400)-APDISCOMs share 9.425% in accordance with Section 21 of the AP Electricity Reform Act, 1998 and Section 86 (b) of the Electricity Act, 2003)

OP No. 36 of 2023**APDISCOMs Vs.M/s Tuticorn Thermal Power Station**

(Petition filed by APDISCOMs seeking Grant of consent for the PPA Dated:30-11-2010 with Tuticorin Thermal Power Station, Installed Capacity 2x500 MW-APDISCOMs share 12.145% in accordance with Section 21 of the AP Electricity ReformAct, 1998 and Section 86 (1) (b) of the Electricity Act, 2003)

OP No. 37 of 2023**APDISCOMs Vs. M/s Neyveli Lignite Corporation**

(Petition filed by APDISCOMs seeking Grant of consent for the PPA Dated:30-11-2010 with Neyveli New Thermal Power Station. Installed Capacity 2x500 MW-APDISCOMs share 5.27% in accordance with Section 21 of the AP Electricity Reform Act, 1998 and Section 86 (1) (b) of the Electricity Act, 2003)

OP No. 38 of 2023

APDISCOMs Vs.M/s Nuclear Power Corporation of India Ltd.,

(Petition filed by APDISCOMs seeking Grant of consent for the PPA Dated:24-12-2011 with MAPS Atomic Power Station 1 & 2. Installed Capacity 440 MW - APDISCOMs share 4.122%, Kaiga Atomic Power Station - 1 & 2, Installed Capacity 440 MW- APDISCOMs share 12.565% and MAPS Atomic Power Station 3 & 4, Installed Capacity 440 MW - APDISCOMs share 13.404% in accordance with Section 21 of the AP Electricity Reform Act, 1998 and Section 86 (1) (b) of the Electricity Act, 2003)

OP No. 39 of 2023

APDISCOMs Vs. M/s. National Thermal Power Corporation Limited

(Petition filed by APDISCOMs seeking Grant of consent for the PPA Dated:01-02-2001 with NTPC, Ramagundam Super Thermal Power Station Stage-III, Installed Capacity 500 MW APDISCOMs share 14.514% in accordance with Section 21 of the AP Electricity Reform Act, 1998 and Section 86 (1) (b) of the Electricity Act, 2003)

OP No. 40 of 2023

APDISCOMs Vs. M/s. National Thermal Power Corporation Limited

(Petition filed by APDISCOMs seeking Grant of consent for the PPA Dated:22-09-1993 with NTPC, Ramagundam Super Thermal Power Station Stage-I & II. Installed Capacity 3x200 MW and 3x500 MW(2100 MW)-APDISCOMs share 13.766% in accordance with Section 21 of the AP Electricity Reform Act, 1998 and Section 86 (1) (b) of the Electricity Act, 2003)

OP No. 41 of 2023

APDISCOMs Vs. M/s. National Thermal Power Corporation Limited

(Petition filed by APDISCOMs seeking grant of consent for the PPA Dated:06-04-1998 with NTPC, Talcher Super Thermal Power Station Stage-II, Installed Capacity 2000 MW-APDISCOMs share 9.055% in accordance with Section 21 of the AP Electricity Reform Act, 1998 and Section 86 (1) (b) of the Electricity Act, 2003)

OP No. 42 of 2023

APDISCOMs Vs. M/s. National Thermal Power Corporation Limited

(Petition filed by APDISCOMs seeking grant of consent for the PPA Dated:04-02-1997 With NTPC, Simhadri Thermal Power Project Stage-I Plant, Installed Capacity 1000 MW-APDISCOMs share 46.110% in accordance with Section 21 of the AP Electricity Reform Act, 1998 and Section 86 (1) (b) of the Electricity Act, 2003)

OP No. 43 of 2023

APDISCOMs Vs. M/s. National Thermal Power Corporation Limited

(Petition filed by APDISCOMs seeking Grant of consent for the PPA Dated:20-02-2008 with NTPC, Vallur Thermal Power Station. Installed Capacity 3x500 MW - APDISCOMs share 5.753% in accordance with Section 21 of AP Electricity Reform Act, 1998 and Section 86 (1) (b) of the Electricity Act, 2003)

OP No. 44 of 2023

APDISCOMs Vs. M/s. National Thermal Power Corporation Limited

(Petition filed by APDISCOMs seeking Grant of consent consent for the PPA
Dated:03-02-2007 with NTPC, Simhadri Super Thermal Power Station Stage-II, Installed
Capacity 1000 MW-APDISCOMs share 21.678% in accordance with Section 21 of AP
Electricity Reform Act, 1998 and Section 86 (1) (b) of the Electricity Act, 2003)

Sri P.Shiva Rao, learned Standing Counsel for the DISCOMs, Sri J.Subbaiah, General Manager, NLC TamilNadu Power Limited (NTPL); Sri M.Ravi Kumar, Asst. Chief Manager, Neyveli Lignite Corporation (NLC) and Sri M.V.Kini, learned counsel representing Nuclear Power Corporation of India Limited (NPCIL) are present at the hearing.

So far, no objections have been received. However, Sri M.Venugopal Rao, learned Objector, requested further time for filing his objections.

Since these matters relate to PPAs, time is extended by three weeks for filing objections.

Call on 20-9-2023.

Sd/-
MEMBER/PVRR

Sd/-
MEMBER/TRS

OP No. 18 of 2022

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

(Petition filed under Section 86(1)(f) read with Section 86(1)(e) of the Electricity Act, 2003 read with Article 10 of the Power Purchase Agreement dated 28-07-2016, *inter alia*, seeking a direction to the Respondent for forthwith releasing the payment against the outstanding invoices towards sale of wind energy since November 2020 along with the interest /delayed payment surcharge on such delayed payments as per the PPA)

Sri Sanjeev S.Thakur, 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 hearing.

Sri Sanjeev S.Thakur submitted that the arguing counsel-Sri Aniket Prasoon could not be present due to personal inconvenience and requested time till 16-8-2023. Time is, accordingly, granted.

Call on 16-8-2023.

**Sd/-
MEMBER/PVRR**

**Sd/-
MEMBER/TRS**

OP No. 113 of 2021

**M/s Vayu (India) Power Corporation Limited Vs. APTRANSCO, APPCC
& APSPDCL**

(Petition filed under Section 86(1)(b), 86(1)(e) and 86(1)(f) of the Electricity Act, 2003 for specific performance of the Power Purchase Agreement dated 29-05-2010 and for a direction against the respondents to make payments of the outstanding amounts)

Sri Aruva Karthik, counsel representing Sri Kailash Nath P.S.S, learned counsel for the Petitioner; and Sri P.Shiva Rao, learned Standing Counsel for the respondent, are present at the hearing.

Sri Aruva Karthik submitted that the arguing counsel-Sri Kailash Nath P.S.S, could not be present due to personal inconvenience and requested time till 16-8-2023. Time is, accordingly, granted.

Call on 16-8-2023.

**Sd/-
MEMBER/PVRR**

**Sd/-
MEMBER/TRS**