

Record of proceedings dated 26-08-2020

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

R.P.No.2 of 2019 in O.P.No.47 of 2018

APPDCL Vs APSPDCL & APEPDCL

Petition u/s 94 (1) (f) of the Electricity Act, 2003 praying for review of the order dated 02/03/2019 passed in O.P. 47 of 2017 for determination of tariff from 02/05/to 31/03/2019 for the electricity supplied by APPDCL from SDSTPS to the Distribution Licensees in Andhra Pradesh

RP No.1 of 2020 & I.A.No.17 of 2020 in OP No. 47 of 2017

APSPDCL & APEPDCL Vs APPDCL

Petition U/s. 94 (1)(f) of the E.A. Act, 2003 /w Regulation 8 of 2004 APERC (Conduct of Business), 1999 seeking review of the order dated 02-03-2019 passed in OP.No. 47 of 2017 for determination of Tariff from 02-05-2015 to 31-03-2019 for the electricity supplied by APPDCL from SDSTPS to the distribution licensees in AP

Application for condonation of delay in filing review petition in O.P.No.47 of 2017

Sri K. Gopal Choudary, learned counsel for the APPDCL and Sri P. Shiva Rao, learned Standing Counsel for AP Discoms are present at the web hearing.

Sri K. Gopal Choudary submitted that his clients desires to file a reply to R.P.No.1 of 2020 filed by the AP Discoms. He therefore requested for an adjournment for this purpose. Call on 07-10-2020.

Sd/-
MEMBER / TRS

Sd/-
CHAIRMAN

Sd/-
MEMBER / PRR

O.P.No.7 of 2020

Public hearing in the matter of Transmission Scheme for evacuation of power from Polavaram Hydro Electric Power Project (12x80) 960 MW

Sri P. Shiva Rao, learned Standing Counsel for AP Discoms and Sri M. Venugopala Rao, learned objector are present at the web hearing.

Sri M. Venugopala Rao submitted that reports on system studies referred to in the response of the AP Discoms are not furnished to him. He requested for a direction to the AP Discoms to furnish such reports to enable him to make effective representation. Sri P. Shiva Rao agreed to file such reports before this Commission and also furnish copies of the same to Sri M. Venugopala Rao. For this purpose he requested for an adjournment. Call on 28-10-2020.

Sd/-
MEMBER / TRS

Sd/-
CHAIRMAN

Sd/-
MEMBER / PRR

O.P.No. 25 of 2020

Sri. R. Ramanamurthy Naidu Vs. Collector & District Magistrate, Nellore & APTRANSCO

Petition under Electricity Act, 2003 Section 142 and 146 A.P. Works of Licensee Rules 2007 r/w Rule 3 (s) and Rules 13 (1) and 13 (2).

Sri P. Chengal Reddy, learned counsel for the petitioner, Sri KVN Chakradhar Babu, Collector & District Magistrate, SPSR Nellore and Sri P. Shiva Rao, learned Standing Counsel for AP Transco are present at the web hearing.

Sri KVN Chakradhar Babu, Collector & District Magistrate, SPSR Nellore requested for two weeks' time for passing appropriate orders on the representation of the petitioner for payment of enhanced compensation. He agreed that he would pass such an order after hearing both parties in person through web hearing. Call on 28-10-2020.

Sd/-
MEMBER / TRS

Sd/-
CHAIRMAN

Sd/-
MEMBER / PRR

O.P.No. 26 of 2020

Sri Dakarapu Venkat Rao & Sri D.G. Srinivasa Rao Vs (1) Collector & District Magistrate, Eluru, W.G.District (2) CMD/ APTRANSCO

Petition under Electricity Act, 2003 Section 142 and 146 A.P. Works of Licensee Rules 2007 r/w Rule 3 (s) and Rules 13 (1) and 13 (2).

Sri P. Chengal Reddy, learned counsel for the petitioner, Sri Revu Mutyala Raju, Collector & District Magistrate, East Godavari and Sri P. Shiva Rao, learned Standing Counsel for AP Transco are present at the web hearing.

Sri Revu Mutyala Raju, Collector & District Magistrate, East Godavari requested for two weeks' time for passing appropriate orders on the representation of the petitioner for payment of enhanced compensation. He agreed that he would pass such an order after hearing both parties in person through web hearing. Call on 28-10-2020.

Sd/-
MEMBER / TRS

Sd/-
CHAIRMAN

Sd/-
MEMBER / PRR

O.P.No.27 of 2020

Sri. G. Maheswara Rao Vs. The Collector and District Magistrate, Krishna District , APTRANSCO & GoAP

Petition under Electricity Act, 2003 Section 142 and 146 A.P. Works of Licensee Rules 2007 r/w Rule 3 (s) and Rules 13 (1) and 13 (2).

Sri P. Chengal Reddy, learned counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for AP Transco are present at the web hearing.

Issue formal notice to the Collector and District Magistrate, Krishna District. Sri P. Chengal Reddy made his submissions at the admission stage. Sri P. Shiva Rao requested for time for filing his response. Call on 28-10-2020.

Sd/-
MEMBER / TRS

Sd/-
CHAIRMAN

Sd/-
MEMBER / PRR

O.P.No.28 of 2020

Sri. Pothumarthi Venkateswara Rao & 12 others Vs. The Collector and District Magistrate, Krishna District; APTRANSCO & GoAP

Petition under Electricity Act, 2003 Section 142 and 146 A.P. Works of Licensee Rules 2007 r/w Rule 3 (s) and Rules 13 (1) and 13 (2).

Sri P. Chengal Resddy, learned counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for AP Transco are present at the web hearing.

Issue formal notice to the Collector and District Magistrate, Krishna District. Sri P. Chengal Reddy made his submissions at the admission stage. Sri P. Shiva Rao requested for time for filing his response. Call on 28-10-2020.

Sd/-
MEMBER / TRS

Sd/-
CHAIRMAN

Sd/-
MEMBER / PRR

I.A.Nos.24 & 25 of 2019 in O.P.No.62 of 2019

M/s. 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.Waneer(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 utilities are present at the web hearing.

As pleadings are complete, call on 02-12-2020 for final hearing.

Sd/-
MEMBER / TRS

Sd/-
CHAIRMAN

Sd/-
MEMBER / PRR

O.P.No.18 of 2020 & IA No.4 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

Application for directions to the respondents
to restore the service connection No. NLR-842 of the petitioner's Project
situated at Khandaleru Reservoir, Khandaleru, Nellore District, enabling
it to generate and supply power, and to further record the monthly meter
readings of the 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.

Since the dispute has to be finally decided, call O.P. on 30-12-2020 for final disposal.

As regards I.A.No.4 of 2020 filed for restoration of power connectivity to enable the petitioner to supply power to the respondents, considering the fact that the petitioner is willing to supply power at Rs.2.43 ps which in our opinion is very reasonable from the standpoint of the respondents, the respondents are directed to reconnect and receive the power from the petitioner at Rs.2.43 ps per unit pending the O.P.

Sd/-
MEMBER / TRS

Sd/-
CHAIRMAN

Sd/-
MEMBER / PRR

Appeal No.387 of 2017 before the Hon'ble ATE

APSPDCL Vs APERC, M/s. SNJ Sugars & Allied Products Pvt.Ltd.& APTRANSCO

E.P.No.01 of 2017 in Appeal No.228 of 2012 before the Hon'ble ATE

M/s. SNJ Sugars & Allied Products Pvt Ltd. Vs APTRANSCO & 3 others

E.P.No.01 of 2017 in Appeal No.228 of 2012 before APERC

M/s. SNJ Sugars & Allied Products Pvt Ltd. Vs APTRANSCO & 3 others

In the matter of the Order dated 12-03-2020 passed by the Hon'ble APTEL in Appeal No.387 of 2017 & E.P.No.01 of 2017 in Appeal No.228 of 2012 between APTRANSCO and M/s SNJ Sugars & Allied Products Pvt. Ltd., directing the APERC to calculate the amounts ought to be paid by the APTRANSCO to M/s SNJ Sugars & Allied Products Pvt. Ltd., in light of the observations made by the Tribunal in the order, within a month from the date of receipt of copy of the order and that the appellant-APTRANSCO shall pay the said amount within two months from the date of quantifying the amounts by APERC by its order

Sri Challa Gunaranjan, learned counsel for M/s. SNJ Sugars & Allied Products Pvt Ltd. and Sri P. Shiva Rao, learned Standing Counsel for the APSPDCL and AP Transco are present at the web hearing.

Heard. Orders reserved.

Sd/-
MEMBER / TRS

Sd/-
CHAIRMAN

Sd/-
MEMBER / PRR

O.P.No.11 of 2020

M/s. Ultra Tech Cement Ltd Vs APSLDC

Petition filed U/S 86 of the Electricity Act, 2003 read with the APERC Renewable Power Purchase Obligation (Compliance by Purchase of Renewable Energy / Renewable Energy Certificates) Regulations, 2017 seeking appropriate directions to the effect that power consumed by the petitioner from its Waste Heat Recovery Boiler Power Plants (WHRS) is to be accounted for setting off its Renewable Purchase Obligations (RPO) towards its electricity consumption from conventional energy sources

Sri Amit Kapur, learned senior counsel representing Sri Samitkrith Puskuri, learned counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the respondent are present at the web hearing.

Heard. Orders reserved.

Sd/-
MEMBER / TRS

Sd/-
CHAIRMAN

Sd/-
MEMBER / PRR

O.P.No.64 of 2019

M/s. Indian Oil Corporation Limited Vs APEPDCL & 2 others

Petition under Section 86(1) (f) of the Electricity Act, 2003 read with APERC (Conduct of Business) Regulations, 1999 seeking directions to the respondents for releasing payment against the outstanding monthly invoices towards sale of wind energy along with the interest / delayed payment surcharge on such delayed payments, payments of amounts deducted towards 1% rebate from monthly invoices and interest on delayed payment as per Articles 2.2 and 5.2 of the Power Purchase Agreements dated 08-05-2012, 31-03-2012, 21-03-2013 and 18-07-2014

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 K. Linga Murthy, General Manager, IPC / RAC / APCPDCL has filed an affidavit dated 14-08-2020 wherein it has been stated that the arrears for the month of April, 2020 till July, 2020 will be paid to the petitioner in two installments i.e., 50% by the end of September, 2020 and the balance by the end of November, 2020. This affidavit is accordingly placed on record. For reporting compliance, call on 02-12-2020.

Sd/-
MEMBER / TRS

Sd/-
CHAIRMAN

Sd/-
MEMBER / PRR

O.P.No.29 of 2020 & IA No. 20 of 2020

M/s. Vaayu (INDIA) Power Corporation Limited

Petition under the Sections 86(1)(a), 86(1)(b) and 86(1)(e) of the Electricity Act, 2003, for approval of the generic tariff at Rs.3.43/- per unit for sale of wind power by the Petitioner to DISCOM for all the Seven PPAs, after expiry of the 10 year period in terms of the Order dated 01.05.2009 passed by this Hon'ble Commission in O.P Nos.6 and 7 of 2009

Application seeking directions that the generic tariff of Rs.3.43/- per unit maybe made available to the applicant / petitioner during the pendency of the petition.

Sri Sajan Poovayya, learned senior counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the AP Discoms are present at the web hearing.

Sri P. Shiva Rao requested for six weeks' time for filing response. O.P. is accordingly posted 02-12-2020.

Sri Sajan Poovayya submitted that as the period of ten years for which tariff was fixed expired on 02-08-2020, he requested for an interim rate to be fixed for the power supplied subsequent thereto pending the O.P. Sri P. Shiva Rao submitted that as the AP Discoms are taking consistent stand that the tariff is required to be reduced in view of the reduced level of tariffs prevailing country wide and also taking into consideration the fact that in cases where Power Purchase Agreements are under dispute, the Hon'ble High Court of AP has fixed interim payment of Rs.2.43 ps, the same rate may be fixed in the present case also as an interim measure. Having regard to the respective submissions of the learned counsel for the parties, we deem it appropriate to fix an interim rate of Rs.2.43 ps per unit payable by the AP Discoms to the petitioner for the power received after 02-08-2020 pending the O.P. I.A.No.20 of 2020 accordingly stands disposed of.

Sd/-
MEMBER / TRS

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CHAIRMAN

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MEMBER / PRR