

Record of proceedings dated 27-07-2019

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

Sri P. Shiva Rao, learned Standing Counsel for the petitioners and Sri H. Chandra Sekhar, DEE/Commercial/APGENCO are present.

At request of Sri P. Shiva Rao, learned Standing Counsel for the petitioners to file response of the Government regarding reduction of land price, the matter is posted to 24-08-2019.

Call on: 24-08-2019
at 11:00 AM

Sd/-
MEMBER / PRM

Sd/-
MEMBER /PR

Sd/-
CHAIRMAN

Public hearing in O.P.No.1 to 16, 22 to 26 of 2019 along with connected Power Purchase Agreements (21 Nos.) between M/s Axis Wind Farms (Uravakonda) Pvt. Ltd. and APSPDCL & batch

Public hearing in the petitions filed u/s 61 (h), 62 (1) (a), 64 (1), 86 (1) (a), 86 (1) (b) and 86 (1) (e) of the Electricity Act, 2003 r/w CERC (Terms and Conditions for tariff determination from Renewable Energy Sources) Regulations, 2017 and Section 21 of the A.P. Electricity Reform Act, 1998.

Public hearing on 16 Nos. PPAs (12 + 4) and their amendments in respect of clients of M/s. Suzlon Energy and M/s. Axis Energy Ventures India Pvt Ltd filed by APSPDCL for consent of the Commission

Public hearing on 5 Nos. PPAs and their amendments in respect of clients of M/s. Suzlon Energy and M/s. Axis Energy Ventures India Pvt Ltd filed by APSPDCL for consent of the Commission

Public hearing on 21 Nos PPAs (12 + 4 + 5) and their amendments in respect of client of M/s. Suzlon Energy and M/s. Axis Energy Ventures India Pvt. Ltd filed by APSPDCL for consent of the Commission.

Sri Deepak Chowdhury, INDUS Law Firm, learned counsel for the petitioners and Sri P. Shiva Rao, learned Standing Counsel for the respondents/utilities are present.

Chief General Manager/IPC/APSPDCL on behalf of APSPDCL filed a Memo stating that in view of the precarious financial position of AP Discoms and consequent inability to bear the additional financial burden involved in purchasing power from 21 Nos. wind developers, AP Discoms have decided to withdraw the PPAs entered with various wind power projects clients of M/s. Suzlon and M/s. Axis Energy Ventures India Private Limited and that since the PPAs are not yet approved, the same is not enforceable and the APSPDCL is at liberty to withdraw the same and that hence, permission is requested to withdraw the 21 Nos. PPAs entered with various wind power projects clients of M/s. Suzlon and M/s. Axis Energy Ventures India Private Limited. Sri Deepak Chowdhury, learned counsel for the petitioners sought for time for filing objections to the Memo. Hence, the matter is posted to 17-08-2019.

Call on:

17-08-2019
at 11:00 AM

Sd/-
MEMBER / PRM

Sd/-
MEMBER /PR

Sd/-
CHAIRMAN

O.P.No.17 of 2019

APSPDCL & APEPDCL Vs M/s Karam Chand Thapar & Bros Limited & others

Petition u/s 61 (d), 86 (1) (b) and 86 (1) (f) of the Electricity Act, 2003 r/w 55 (1) & (2) of APERC (Conduct of Business) Regulation 2 of 1999, Regulations 23, 24 & 25 of the Regulation No. 1 of 2015 (Terms and Conditions for Tariff Determination for Wind Power Projects in the State of Andhra Pradesh for the period 2015-16 to FY 2019-20) and provisions under PPAs enabled in the APERC orders dt.13-12-2017 to revise the tariff fixed for wind power projects (pursuant to APERC Regulation 1/2015)

Sri P. Shiva Rao, learned Standing Counsel for the petitioners, Ms. Neha Akkineni, learned counsel representing Mazag Andrabi, learned counsel for (i) M/s. Karam Chand Thapar & Bros Limited (ii) M/s. Renew Wind Energy Private Limited (iii) M/s. Ostro AP Wind Private Limited (iv) M/s. Helios Infratech Private Limited (v) M/s. Ostro Anantapur Wind Private Limited (vi) M/s. Ostro Andhra Wind Private Limited (vii) M/s. KCT Renewable Energy Private Limited (viii) M/s. Molagavalli Renewable Private Limited (ix) M/s. Sterling Agro Industries Limited; Sri Deepak Chowdary, learned counsel representing Sri Challa Gunaranjan, learned counsel for (i) M/s. Jindal Aluminium Limited (ii) M/s. Poonawalla Aviation Private Limited (iii) M/s.

Poonawalla Shares & Securities Private Limited (iv) M/s. Cyrus Poonawalla Family Trust (v) M/s. Poonawalla Estates Stud & Agri Farm Private Limited (vi) M/s. Chanda Investments & Trading Company Private Limited (vii) M/s. Adurjee & Bros. Private Limited (viii) M/s. Naukhal Investment Private Limited (ix) M/s. Cyza Chem Private Limited (x) M/s. Viloo's Greenfield Farms (xi) M/s. Vibrant Green Tech India Limited & (xii) M/s. Sunwin Power Tech India Private Limited; Sri N. Jeevan Kumar, learned counsel representing Sri P. Vikram, learned counsel for (i) M/s. Skiron Renewable Energy (Amidyala) Private Limited (ii) M/s. Ostro Anantapur Wind Private Limited (iii) M/s. Vayuputhra Energy Private Limited (iv) M/s. Kanhur Wind Power Private Limited (v) M/s. Animala Wind Power Private Limited (vi) M/s. JED Solar Parks Private Limited & (vii) M/s. Poly Solar Parks Private Limited; Sri H. Rajesh Kumar, learned counsel for M/s. Tata Power Renewable Energy Limited; Sri Deepak Chowdhury, learned counsel for (i) Axis Wind Energy (Anantapur) Pvt. Ltd, (ii) Axis Wind Farms (Rayalaseema) Pvt. Ltd are present.

Sri P. Shiva Rao, learned Standing Counsel for the petitioners stated that the Interlocutory Applications in W.P.No.2401 of 2019 & batch were heard by the Hon'ble High Court of Andhra Pradesh in part and the matter is posted for continuation of the arguments to 01-08-2019 and that the hearing of the matter may be deferred under the circumstances. Hence, the matter is posted to 24-08-2019.

Call on:

24-08-2019
at 11:00 AM

Sd/-
MEMBER / PRM

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Sd/-
CHAIRMAN

O.P.No.35 of 2019
M/s. Vayu Urja Bharat Private Limited Vs APSPDCL

Petition under Section 86 (1) (f) read with 86 (1) (e) of the Electricity Act, 2003, Regulation 8 of the APERC (Conduct of Business) Regulations, 1999 as amended from time to time read with Article 10 of the Power Purchase Agreement (PPA) dated 28-07-2016 seeking direction to the respondent for releasing payment against the outstanding invoices towards sale of wind energy along with the interest / delayed payment surcharge on such delayed payments as per the PPA

Sri Aniket Prasoon & Sri Pratik Das, learned counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the respondent are present.

Sri Aniket Prasoon, learned counsel for the petitioner is heard in part. For continuation, at request, the matter is posted to 17-08-2019.

Call on:

17-08-2019
at 11:00 AM

Sd/-
MEMBER / PRM

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CHAIRMAN

O.P.No.2 of 2017
FOR ORDERS
Richmond Power Pvt. Ltd Vs APEPDCL

Petition filed u/s 86 (1) (a) of the Electricity Act, 2003 r/w Regulation 55 [Saving of inherent power of the Commission] of the APERC (Conduct of Business) Regulations, 1999

Sri M. Abinay Reddy, learned counsel representing Sri P. Vikram, learned counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the respondent are present.

Orders pronounced (*vide separate order*)

“The year wise tariff determined for the life period along with norms adopted is enclosed as Annexure to this order. The levellised tariff determined is given below:

Levillised Tariff	Rate (Rs/kWh)
Fixed cost	1.81
Variable Cost	3.64
Total cost	5.45

30. The tariff determined in this order is only a bench mark price which provides guidance to the respondent to arrive at an appropriate decision. However, the Respondent is at liberty to negotiate for a tariff below this price with the petitioner. Both parties are at liberty to negotiate the terms and conditions of any agreement they may enter into in this regard independent of any observations made in this order in arriving at a bench mark tariff for the petitioner’s unit under consideration.

31. The Petition is ordered accordingly. No costs”.

Sd/-
MEMBER / PRM

Sd/-
MEMBER /PR

Sd/-
CHAIRMAN