

**RECORD OF PROCEEDINGS DATED 27-07-2022**

**OP No. 23 of 2022 & IA No 1 of 2022**

**M/s Ayaana Anantapur Solar Pvt Ltd. Vs. NTPC, APEPDCL & APSPDCL**

Petition under Section 86(1)(f) of the Electricity Act, 2003 and Article 12 of the Power Purchase Agreement dated 17.07.2018 between the Petitioner and the Respondent No. 1 seeking relief on account of Change in Law, viz., the imposition of Safeguard Duty by way of the Notification No. 01/2018 Customs (SG) dated 30.07.2018 issued by the Department of Revenue, Ministry of Finance, Government of India and subsequent extension/continuation thereof by way of Notification No. 02/2020 Customs (SG) dated 29.07.2020.

Petitioner also filed an application seeking urgent listing of the accompanying petition along with supporting affidavit.

Mr. Aniket Prasoon, learned counsel for the petitioner; Mr. Sakie Jakaria, learned counsel for respondent No.1 and Sri P.Shiva Rao, learned Standing Counsel for respondents 2 and 3 are present at the hearing.

Counter affidavits have been filed by all the respondents.

The learned counsel for the petitioner requested time for rejoinder. Time is accordingly granted.

Call on 28-9-2022.

Sd/-  
MEMBER/TRS

Sd/-  
MEMBER/PRR

Sd/-  
CHAIRMAN

**OP No. 24 of 2022 & I.A. No. 1 of 2022 and IA No.2 of 2022**

**M/s. SB Energy Solar Pvt Ltd Vs NTPC, APEPDCL & APSPDCL**

Petition filed under section 86(1) (f) and (k) of the Electricity Act, 2003 and Article 12 of the Power Purchase Agreement dated 05-07-2018 executed between the Petitioner and NTPC limited, seeking relief on account of a change in law event, viz., the imposition of safeguard duty by notification no. 01/2018 customs (SG) dated 30-07-2018, issued by the Department of Revenue, Ministry of Finance, Govt. of India

I.A. No.1 is filed by petitioner seeking interim directions; and I.A.No.2 is filed for permitting the petitioner to change the name of the petitioner.

Mr. P.S.S.Bhargava, learned counsel for the petitioner; Mr. Sakie Jakaria, learned counsel for respondent No.1 and Sri P.Shiva Rao, learned Standing Counsel for respondents 2 and 3 are present at the hearing.

**I.A.No.2 of 2022:**

This petition is filed to change the name of the petitioner.

This application is not opposed.

The application is, accordingly, allowed as prayed for.

Petitioner is directed to file fresh pleadings with the changed name by the next date of hearing.

**O.P. No.24 of 2022:**

Counter affidavits have been filed by all the respondents.

The learned counsel for the petitioner requested time for rejoinder. Time is, accordingly, granted.

Call on 28-9-2022.

Sd/-  
MEMBER/TRS

Sd/-  
MEMBER/PRR

Sd/-  
CHAIRMAN

**OP No. 25 of 2022**

**Spring Agnitra Private Limited Vs NTPC, APSPDCL & APEPDCL**

Petitioner filed under section 86(1)(b) read with section 86(1)(f) of the Electricity Act, 2003 along with Section 86(1)(k) of the Electricity Act, 2003 for (i) declaration of the event of introduction and imposition of safeguard duty by way of notification No. 1/ 2018 - Customs SG dated 30-07-2018 and notification No.2/2020 - Customs SG dated 29-07-2020 issued by the Department of Revenue, Ministry of Finance as "Change in Law" and (ii) grant of consequential relief to compensate for the increase in capital cost due to the Change in Law, in terms of Article 12 of the PPA dt. 05-07-2018 executed between the petitioner and NTPC Ltd.

Ms. Molsree Bhatnagar, learned counsel for the petitioner; Mr. Sakie Jakaria, learned counsel for respondent No.1 and Sri P.Shiva Rao, learned Standing Counsel for respondents 2 and 3 are present at the hearing.

Counter affidavits have been filed by all the respondents.

The learned counsel for the petitioner requested time for rejoinder. Time is accordingly granted.

Call on 28-9-2022.

Sd/-  
MEMBER/TRS

Sd/-  
MEMBER/PRR

Sd/-  
CHAIRMAN

**OP No. 35 of 2022**

**Tirumala Cotton and Agro Products Pvt Ltd Vs. APPCC, APSPDCL, APTRANSCO & APSLDC**

Petition filed u/s 86(1) (e) of the electricity act, 2003 r/w clause 9 of the APERC (Conduct of Business) Regulations, 1999 to direct the respondents to make payment of an amount of Rs. 76,30,134.37/- due to the petitioner in respect of the sale invoice / bill of supply dt 06-07-2019 for the FY 2018-19 towards sale of the un-utilized banked units.

Ms. Shivani, Advocate, representing Mr. Telaprolu Sri Charan, learned counsel for the petitioner; and Sri P.Shiva Rao, learned Standing Counsel for the respondents, are present at the hearing.

Learned counsel for the petitioner requested time for rejoinder.

Call on 17-8-2022.

Sd/-  
MEMBER/TRS

Sd/-  
MEMBER/PRR

Sd/-  
CHAIRMAN

**O.P.No. 41 of 2022**

**M/s. Balaji Energy Pvt Ltd Vs APSPDCL, APTRANSCO & APPCC**

Petition filed u/s 86(1)(f) r/w 86(1)(K) of Electricity Act, 2003 read with clause (55) of APERC Conduct of business Regulations seeking a direction for seeling the power to 3rd parties under open access from 2 x 6 MW mini hydel power project at Somasila, Nellore District, Andhra Pradesh by cancelling the existing PPA.

Sri S.Ravi, learned Senior Counsel and Sri M. Naga Deepak, learned counsel for the petitioner; and Sri P.Shiva Rao, learned Standing Counsel for the respondents are present at the hearing.

We have heard Sri S.Ravi, learned Senior Counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the respondents.

Sri P. Shiva Rao, learned Standing Counsel for the respondents, submitted the respondents are admittedly due in a sum of about Rs.6.00 crores, while the petitioner is being paid *ad-hoc* tariff from the 11th year onwards, which, according to the respondents' calculation, is much higher than what the petitioner is entitled to receive; and that the dispute in this regard is pending before the Honourable High Court. He has submitted that this is the main reason for withholding the sum of about Rs.6.00 cores.

In our opinion, the respondents cannot withhold the admitted amounts in anticipation of a positive outcome in a pending litigation. The learned Standing Counsel has undertaken that the sum of Rs.6.00 crores will be paid to the petitioner within two months, apart from continuing to pay future monthly bill amounts within the due dates as agreed in the extant PPA.

In the light of the above submission, the O.P. is adjourned to 12-10-2022 for reporting compliance.

Sd/-  
MEMBER/TRS

Sd/-  
MEMBER/PRR

Sd/-  
CHAIRMAN

**O.P.No. 42 of 2022**  
**Amaravathi Textiles PVt Ltd Vs APSPDCL**

Petition filed under section 86(1)(f) of the Electricity Act, 2003, r/w APERC Conduct of business regulations, 1999 seeking direction to the respondents for releasing payment against the outstanding monthly invoices towards sale of energy along with 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 PPA dated 04-12-2014

Sri Deepak Chowdary, 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.

Learned counsel for the petitioner requested time for rejoinder. Three weeks time is, accordingly, granted.

Call on 21-9-2022.

Sd/-  
MEMBER/TRS

Sd/-  
MEMBER/PRR

Sd/-  
CHAIRMAN

**OP No. 09 of 2022 & IA No.1 of 2022**  
**M/s. Greenko Solar Power (Dharmavaram) Ltd. Vs APSPDCL**

Petition under section 86(1) (e) & (f) of the Electricity Act, 2003 seeking directions to the Respondents to pay the outstanding amounts and Late Payment Surcharges among others.

IAs filed by the petitioner under section 94(2) of the Electricity Act, 2003 r/w Regulation 55 of the APERC conduct of business regulations, 1999 seeking interim directions against the respondent.

**OP No. 10 of 2022 & IA No.1 of 2022**  
**M/s. SEI Arushi Private Limited. Vs APSPDCL**

Petition under section 86(1) (e) & (f) of the Electricity Act, 2003 seeking directions to the Respondents to pay the outstanding amounts and Late Payment Surcharges among others.

IAs filed by the petitioner under section 94(2) of the Electricity Act, 2003 r/w Regulation 55 of the APERC conduct of business regulations, 1999 seeking interim directions against the respondent.

**OP No. 11 of 2022 & IA No.1 of 2022**  
**M/s. SEI Green Flash Private Limited. Vs APSPDCL**

Petition under section 86(1) (e) & (f) of the Electricity Act, 2003 seeking directions to the Respondents to pay the outstanding amounts and Late Payment Surcharges among others.

IAs filed by the petitioner under section 94(2) of the Electricity Act, 2003 r/w Regulation 55 of the APERC conduct of business regulations, 1999 seeking interim directions against the respondent

Sri V.Akshaya Babu, learned counsel for the petitioners; and Sri P.Shiva Rao, learned Standing Counsel for the respondents, are present at the hearing.

Pleadings are complete. Post the O.Ps., for hearing on 12-10-2022.

Sd/-  
MEMBER/TRS

Sd/-  
MEMBER/PRR

Sd/-  
CHAIRMAN

**OP No 18 of 2022**  
**Vayu Urja Bharat Pvt Ltd Vs APSPDCL**

Petition 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 direction to the Respondent for forthwith releasing payment against the outstanding invoices towards sale of wind energy since November 2020 till November 2021 along with the interest/delayed payment surcharge on such delayed payments as per the PPA.

Sri P.Sri Raghu Ram, learned counsel for the petitioner; and Sri P.Shiva Rao, learned Standing Counsel for the respondent, are present at the hearing.

Out of the admitted amount of Rs.135.00 crores, the learned counsel for the respondent has reported that the sum of Rs.35.00 crores was paid as per the direction issued by this Commission on 06-4-2022. The respondent is directed to pay a further sum of Rs.35.00 (Rupees thirty five crores only) within two months, apart from paying the current monthly bills, as per their due dates, in future.

Call on 12-10-2022 for reporting compliance.

Sd/-  
MEMBER/TRS

Sd/-  
MEMBER/PRR

Sd/-  
CHAIRMAN

**OP No 116 of 2021**  
**Chandulal Surajmal Vs APTRANSCO & 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: 21-04-2010 and for a direction against the Respondents for the payment of the outstanding amounts

Counsel for the petitioner is not present. Call on 17-8-2022.

Sd/-  
MEMBER/TRS

Sd/-  
MEMBER/PRR

Sd/-  
CHAIRMAN

**OP No 76 of 2021**  
**Spectrum Power Generation Ltd Vs APSPDCL & APEPDCL**

Petition u/s 86 (1) (f) of the Electricity Act, 2003 r/w Clause (55) of APERC (Conduct of Business) Regulations seeking recovery of withheld balance Fixed Cost amount of Rs. 16.04 crores out of Rs. 37.92 crores payable to M/s. SPGL for the Tariff Year 2018-19 and recovery of withheld amount of Rs.2.42 crores and Rs. 1.78 crores with respect to energy bills for December 2020 and April 2020.

Sri S.Ravi, learned Senior Counsel and Sri M. Naga Deepak, learned counsel for the petitioner; and Sri P.Shiva Rao, learned Standing Counsel for the respondents are present at the hearing.

We have heard learned counsel for both sides.

During the hearing, the controversy appears to be narrowed down to the following:

As per the letter dated 24-9-2020 addressed by the petitioner, it has obviously agreed to receive the single part tariff rate of Rs.3.31 per unit as fixed by this Commission for the Tariff Year 2018-19; and that as per the petitioner's calculation, it is entitled to receive Rs.16.04 crores  $-(\text{minus})$  Rs.3.55 crores towards the variable cost adjustment for the Tariff Year 2016-17.

Mr.S.Ravi requested an adjournment for seeking clarification in this regard from his client.

Call on 24-8-2022.

Sd/-  
MEMBER/TRS

Sd/-  
MEMBER/PRR

Sd/-  
CHAIRMAN