

Record of Proceedings Dated 28-06-2023

RP No. 2 of 2023 in OP Nos 65, 66 & 67 of 2022

APEPDCL, APSPDCL & APCPDCL

(Review petition filed by the DISCOMs seeking review of the Tariff Determination Order dated 25-3-2023 for Retail Sale of Electricity for FY 2023-2024 passed by this Commission in OP Nos. 65, 66 & 67 of 2022)

Sri P. Shiva Rao, learned standing counsel for the Petitioner-DISCOMs is present at the hearing.

This application is filed seeking review of the Tariff Determination Order dated 25-3-2023 for Retail Sale of Electricity for FY 2023-2024 passed by this Commission in OP Nos. 65, 66 & 67 of 2022.

After hearing Sri P.Shiva Rao, learned Standing Counsel for the petitioner-DISCOMs, and Sri A.V.L.K. Jagannadha Sharma, OSD to CGM/PP, APPCC, as an identical issue is the subject matter of appeal before the Honourable APTEL, vide: DFR Nos.259, 260 and 261 of 2023, filed against the order dated 25-3-2023 passed by this Commission in OP Nos.65,66 and 67 of 2022, we are not inclined to entertain the Review Petition at this stage. Once the Appeal is decided on merits, the DISCOMs are given liberty to seek review of the order in respect of which the present review is filed.

Subject to this liberty, the Review Petition is disposed of.

**Sd/-
MEMBER/PVRR**

**Sd/-
CHAIRMAN**

**Sd/-
MEMBER/TRS**

OP No. 34 of 2023

All DISCOMs Vs. M/s Neyveli Lignite Corporation

(Petition filed by the DISCOMs Under Section 86(1) of the Electricity Act, 2003 read with Section 21 of the Electricity Reforms Act, 1998 seeking grant of consent for the PPA dated 18-2-1999 with NLC Power Station, Stage-I and Stage-II Plants, as per the directions of Hon'ble APERC in the letter dated 15.04.2023 seeking consent)

Sri P. Shiva Rao, learned standing counsel for the Petitioner-DISCOMs, is present at the hearing.

Notice to the respondent. The petitioner shall also carry out publication of the petition and file proof of publication within four weeks.

Call on 26-7-2023.

**Sd/-
MEMBER/PVRR**

**Sd/-
CHAIRMAN**

**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)

Sri Aditya K. Singh, learned counsel for the Petitioners; 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, requested time for filing counters. Four weeks' time is accordingly granted.

Call on 26-7-2023.

**Sd/-
MEMBER/PVRR**

**Sd/-
CHAIRMAN**

**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(I)(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 Shreyas Reddy, counsel representing Sri N.V.Sumanth, 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, requested time for filing counters. Four weeks' time is accordingly granted.

Call on 26-7-2023.

**Sd/-
MEMBER/PVRR**

**Sd/-
CHAIRMAN**

**Sd/-
MEMBER/TRS**

OP No. 4 of 2023**Kreate Energy India Pvt. Ltd. Vs. APPCC**

(Petition filed under section 86(1) (f) of the Electricity Act, 2003 for adjudication of disputes between the Petitioner and the Respondents in terms of the supply of power for the period from January, 2018 to October, 2019 in terms of the power banking arrangement between the parties.)

Ms. Smriti Jaiswal, counsel representing Sri Adarsh Tripathi, learned counsel for the Petitioner; and Sri P. Shiva Rao, learned standing counsel for the Respondent; are present at the hearing.

Counter is filed. At the request of the learned counsel for the petitioner, four weeks' time for rejoinder is granted.

Call on 02-8-2023.

**Sd/-
MEMBER/PVRR**

**Sd/-
CHAIRMAN**

**Sd/-
MEMBER/TRS**

OP No. 12 of 2023**M./s. Walwhan Renewable Energy Ltd Vs. APSPDCL, APSLDC & APTRANSCO**

(Petition filed under Section 86(1)(e) read with Section 86(1)(f) of the Electricity Act, 2003 seeking appropriate directions and orders to be passed qua Respondent No.1, i.e. APSPDCL, and other contesting Respondents to compensate the Petitioner for the actual loss of the revenue suffered by the Petitioner on account of frequent and rampant backing down instructions given to the Petitioner on account of the inadequacy of Transmission System and alleged Grid safety issues)

Sri Shri Venkatesh, learned counsel for the Petitioner; and Sri P. Shiva Rao, learned standing counsel for the Respondents; are present at the hearing.

Counter is filed. However, the respondents have not furnished the data in terms of the Guidelines notified by the FOR on the power interruptions and the reasons therefor.

Sri P.Shiva Rao, learned Standing Counsel for the respondents, submitted that they will furnish the said data within two weeks and make submissions thereafter.

Accordingly, two weeks' time is granted for the above purpose.

Call on 02-8-2023 for further hearing.

Sd/-
MEMBER/PVRR

Sd/-
CHAIRMAN

Sd/-
MEMBER/TRS

OP No. 53 of 2022**M/s. Bharat Heavy Electrical Limited Vs. APTRANSCO & others**

(Petition filed U/Sec 86(1)(f) of the Electricity Act, 2003 to direct the Respondents to pay the sum of Rs.1,95,75,929/- (Rupees One Crore, Ninety Five Lakhs, Seventy Five Thousands, Nine hundred and Twenty Nine only) together with interest at 10% per annum towards the cost of the energy supplied to the respondents)

Sri P.Shiva Rao, learned Standing Counsel for the respondents, is present at the hearing.

Counsel for the petitioner is not present.

Sri P.Shiva Rao, learned Standing Counsel for the DISCOMs (added respondents) requested further time for filing counters.

Callon 02-8-2023.

**Sd/-
MEMBER/PVRR**

**Sd/-
CHAIRMAN**

**Sd/-
MEMBER/TRS**

OP No. 9 of 2023

M/s Alufluoride Limited Vs. APSLDC, APTRANSCO, APEPDCL

(Petition filed u/s 86(1)(f) of the Electricity Act, 2003 seeking consideration of unsettled Banking Units of 6.18 lakhs during the period from 25.03.2019 to 31.03.2020 and 23.21 lakhs during the period from 01.04.2020 to 10.01.2021 (total 29.39 lakhs units) towards increasing the capacity from 1.6 MW to 3.00 MW Generator in their project at Polepalli Village, Butchayyapeta Mandal, Visakhapatnam District, Andhra Pradesh)

Sri L.Aravind Reddy, learned counsel for the Petitioner; and Sri P. Shiva Rao, learned Standing Counsel for the Respondents; are present at the hearing.

Further time for filing rejoinder is prayed for.

Call on 02-8-2023.

**Sd/-
MEMBER/PVRR**

**Sd/-
CHAIRMAN**

**Sd/-
MEMBER/TRS**

OP No. 7 of 2023

**M/s New & Renewable Energy Development Corporation of A.P Ltd.,
(NREDCAP) Vs. APSPDCL,**

(Petition filed under Sections 86(1)(a), 86(1)(b) and 86(1)(e) of the Electricity Act, 2003 seeking Approval of the Tariff of at least Rs.3.43 ps per unit or higher for sale of Wind Power by the Petitioner's 5.95 MW Wind Power Plant to the Respondent herein for the PPA dated.27.03.2012 for the balance tenure of operation from 11th year to 20th year in terms of the Order dated 01.05.2009 passed by this Commission in O.P Nos.6 and 7 of 2009)

&

OP No. 8 of 2023

**M/s New & Renewable Energy Development Corporation of A.P Ltd.,
(NREDCAP) Vs. APSPDCL**

(Petition filed under Sections 86(1)(a), 86(1)(b) and 86(1)(e) of the Electricity Act, 2003 seeking approval of Tariff of at least Rs.3.43 ps per unit or higher for sale of Wind Power by the Petitioner's 1.60 MW Wind Power Plant to the Respondent herein for the PPA dt. 29.03.2012 for the balance tenure of operation from 11th year to 20th year in terms of the Order dated 01.05.2009 passed by this Hon'ble Commission in O.P Nos.6 and 7 of 2009)

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.

Proof of publication is carried out. So far no objections have been received.

Heard the learned counsel for both the parties.

Orders reserved.

**Sd/-
MEMBER/PVRR**

**Sd/-
CHAIRMAN**

**Sd/-
MEMBER/TRS**

IA No.1 of 2023

and

OP No. 17 of 2023

M/s ACME Solar Holdings Pvt., Ltd. & 5 Others Vs. APSPDCL & 3 others

(I.A.No.1 of 2023 is filed seeking stay of operation of the letter dated 04-4-2023 issued by APSPDCL to the petitioners, till final adjudication of Appeal No.282 of 2023 by APTEL, and to injunct the APSPDCL from taking any coercive action against the petitioners till final disposal of the said Appeal).

(Original Petition filed is filed under Section of the 86(1)(f) of the Electricity Act, 2003 for recovery of amounts wrongfully withheld by APSPDCL from the petitioners' bills along with Late Payment Surcharge)

Sri Buddy A.Ranganathan, counsel representing Sri VSS Bhargava, learned counsel for the Petitioners; and Sri P.Shiva Rao, learned Standing Counsel for the Respondents; are present at the hearing.

IA No.1 of 2023:

This application is filed for the following reliefs:

- (a) "Stay operation of the Letter dated 04.04.2023 issued by APSPDCL to the Petitioners till final adjudication and disposal of Appeal No. 282 of 2023 by the Hon'ble Tribunal;
- (b) Injunct APSPDCL from taking any coercive action against the Petitioners till final adjudication and disposal of Appeal No. 282 of

2023 before the Hon'ble Tribunal or the present Petition pending before this Hon'ble Commission, whichever is earlier;

(c) Urgently list and hear the present Petition; and

(d) Pass any other order or direction as this Hon'ble Commission may deem fit in light of facts and circumstances of the present Application".

This Commission, earlier, has declined to grant *ad interim* order. However, the Appeal filed by the petitioner was disposed of by the Honourable APTEL directing that the respondents shall not physically disconnect the Panels; and that the petitioner, in turn, shall not claim CC Charges in respect of the Additional DC Panels added post COD.

In the above background, the respondents have now filed a counter in the present petition, wherein in para 13 they have stated as under:

"13. It is submitted that since the respondent has filed counter to the main petition, the orders dated 08,05.2023 passed by the Hon'ble APTEL may be continued till disposal of this case which will protect interest of parties".

At the hearing Sri P.Shiva Rao, learned Standing Counsel for the respondents, has fairly reiterated the aforesaid contents in Para-13 of the counter.

In the light of the fair concession made by the respondents, the interim order granted by the Honourable APTEL shall continue, pending the OP.

OP No.17 of 2023:

Sri Buddy A.Ranganathan, counsel representing Sri VSS Bhargava, learned counsel for the Petitioners, requested time for rejoinder.

Call on 30-8-2023.

**Sd/-
MEMBER/PVRR**

**Sd/-
CHAIRMAN**

**Sd/-
MEMBER/TRS**

OP No. 21 of 2020 & IA No.1 of 2022

M/s. Tata Power Renewable Energy Limited Vs. APSPDCL, APSLDC and APTRANSCO.
(Petition filed under Section 86(1)(e) read with Section 86 (1)(f) of the Electricity Act, 2003 seeking direction to the respondents for treating the loss of a generation of Rs. 68.39 Crores as computed till May 2020 on account of curtailment of power as a deemed generation by the Petitioner/TPREL and to direct Respondent No.1 to make payment for the said Deemed Generation Charges).

Sri Shri Venkatesh, 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, made his submissions in-part. He requested further time for completing his submissions.

Call on 02-8-2023.

Sd/-
MEMBER/PVRR

Sd/-
CHAIRMAN

Sd/-
MEMBER/TRS

OP No. 59 of 2021**APEPDCL & Two Others Vs. GVK Industries Ltd & three others**

(Petition filed u/s 86 (1) (f) of the Electricity Act, 2003 r/w Clause 55 of APERC (Conduct of Business) Regulations 1999 in the matter of Buy-out of GVK Stage-I project by APDISCOMs - Execution of registered sale deed transferring the entire land together with assets of GVK Phase-I in favour of APDISCOMs- not executed by M/s GVK - Dispute between M/s. GVK and licensees - adjudication under Section 86 (1) (f) of the Electricity Act, 2003).

Sri P.Shiva Rao, learned Standing Counsel for the Petitioners; Sri Sachin Sharma, counsel representing Sri Y.Suryanarayana, learned counsel for the Official Liquidator; are present at the hearing.

Sri P.Shiva Rao, learned Standing Counsel for the Petitioners, submitted that, as undertaken on the last date of hearing, the petitioners have filed their claim before the Liquidator.

Sri Sachin Sharma, learned counsel for the Official Liquidator, submitted that about four days back the petitioners' claim had been received and that the same will be positively considered by the Liquidator. He requested four weeks' time for taking a decision and reporting the same to the Commission.

Call on 30-8-2023.

**Sd/-
MEMBER/PVRR**

**Sd/-
CHAIRMAN**

**Sd/-
MEMBER/TRS**

OP No. 53 of 2019
APPDCL Vs. APSPDCL & APEPDCL

(Petition filed u/s 62 of the Electricity Act, 2003 for determination of Tariff for the control period 2019-2024 for the electricity supplied by APEPDCL from Sri Damodaram Sanjeevaiah Thermal Power Station 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 at the hearing.

A joint memo is filed by the petitioner on one side and the respondents on the other side. Since this issue relates to determination of tariff, it requires a public hearing. The petitioner shall, accordingly, carry out publication and file proof of publication within four weeks.

Call on 30-8-2023.

**Sd/-
MEMBER/PVRR**

**Sd/-
CHAIRMAN**

**Sd/-
MEMBER/TRS**

Revision Petition No. 1 of 2022

Sri. Mahaveer Kumar & three others Vs. District Collector, Guntur & four others
(Revision Petition under Rule 13(2) of the Andhra Pradesh Works of Licence Rules, 2007 to direct the respondents to pay the compensation under Land Acquisition, Rehabilitation and Resettlement Act, 2013)

Sri M. Muralikrishna learned Counsel for the Petitioners; and Sri P.Shiva Rao, learned Standing Counsel for the respondents; are present at the hearing.

Heard. Orders reserved.

Sd/-
MEMBER/PVRR

Sd/-
CHAIRMAN

Sd/-
MEMBER/TRS