

RECORD OF PROCEEDINGS DATED 28-09-2022

**RP No. 8 of 2022 in OP No. 21 of 2015 & OP No. 19 of 2016
Hinduja National Power Corporation Limited Vs. APEPDCL and Others**

Review petition filed under Section 94(1)(f) read with Order 47 Rule 1 of the Code of Civil Procedure, 1908 and Regulation 49 of the Andhra Pradesh Electricity Regulatory Commission (Conduct of Business) Regulations, 1999 for review of common order dated 01.08.2022 passed in Petition O.P. No. 21 of 2015 and O.P. No. 19 of 2016.

Sri P.Ravi Charan, 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 requested time for counter. Four weeks' time is, accordingly, granted.

Call on 16-11-2022.

Sd/-
MEMBER/TRS

Sd/-
CHAIRMAN

Sd/-
MEMBER/PRR

**OP No. 23 of 2022 & IA No. 1 of 2022
M/s. Ayaana Ananthapuram Solar Pvt Ltd Vs. NTPC, APSPDCL & APEPDCL**

Petition filed 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.

Sri Aniket Prasoon, learned counsel for the Petitioner; Ms. Sakie Jakaria, learned counsel for respondent No.1 and Sri P.Shiva Rao, learned Standing Counsel for respondent Nos.2 & 3, are present at the hearing.

Pleadings are complete.

Call on 23-11-2022 for hearing.

Sd/-
MEMBER/TRS

Sd/-
CHAIRMAN

Sd/-
MEMBER/PRR

**OP No. 24 of 2022 & IA No. 1 of 2022 IA No.2 of 2022
M/s. Adani Solar Energy AP SEVEN Private Limited 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

Ms. Saahil Kaul, counsel representing Sri Jafar Alam, learned counsel for the Petitioner, Ms. Sakie Jakaria, learned counsel for respondent No.1 and Sri P.Shiva Rao, learned Standing Counsel for respondent Nos.2 & 3, are present at the hearing.

Pleadings are complete.

Call on 23-11-2022 for hearing.

Sd/-
MEMBER/TRS

Sd/-
CHAIRMAN

Sd/-
MEMBER/PRR

OP No. 25 of 2022
M/s 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.Molshree Bhatnagar & Ms.Parichita Choudary, counsel representing Sri Hemant Sahai, learned counsel for the Petitioner, Ms.Sakie Jakharia, learned counsel for respondent No.1 and Sri P.Shiva Rao, learned Standing Counsel for respondent Nos.2 & 3 are present at the hearing.

Pleadings are complete.

Call on 23-11-2022 for hearing.

Sd/-
MEMBER/TRS

Sd/-
CHAIRMAN

Sd/-
MEMBER/PRR

RP No. 4 of 2022 in OP No. 52 of 2019
APPDCL Vs. APDISCOMs

Petition filed for review of the order dated 13-08-2020 passed in OP 52 of 2019 with respect to payment of fixed charges on normative availability of power of 85% of the capacity and the incentive also to commence from above 85%

Sri K.Gopal Chowdary, learned counsel for the Petitioner and Sri P.Shiva Rao, learned Standing Counsel for the respondents are present at the hearing.

Review Petition disposed of (vide separate order)

Sd/-
MEMBER/TRS

Sd/-
CHAIRMAN

Sd/-
MEMBER/PRR

O.P.No. 43 of 2020

APPDCL Vs. APSPDCL, APEPDCL, APCPDCL, APTRANSCO & APGENCO

Petition filed u/s 86 (1) (f) of the Electricity Act, 2003 for adjudication of dispute relating to payment of Fixed Charges to APPDCL upon diversion of Flexi coal from RTPP - I & III Stages of APGENCO to SDSTPS / Stage-I of APPDCL during FY2018-19 & 2019-20

Sri K.Gopal Chowdary, learned counsel for the Petitioner and Sri P.Shiva Rao, learned Standing Counsel for the respondent are present at the hearing.

OP disposed of (vide separate order)

Sd/-
MEMBER/TRS

Sd/-
CHAIRMAN

Sd/-
MEMBER/PRR

RP No. 3 of 2020

**in Lr.No.APERC/JD(PPP)/DD(P&PP)/F.No.E-938/D.No.451/ 18,
Dt:30.05.2018 APSPDCL & APEPDCL Vs. Kandaleru Power Company Ltd ,
Victory Power Systems Pvt Ltd , Raji Power Pvt Ltd**

Review Petition filed under Section 94(1)(f) of Electricity Act 2003 , Regulation 49 & 59 of APERC (Conduct of Business) Regulations, 1999 seeking review of the directions of this Hon'ble Commission vide Lr.No.APERC/JD(PPP)/DD(P&PP)/F.No.E-938/D.No.451/ 18, Dt:30.05.2018 in principle approval accorded for procurement of power from Mini Hydel Projects
and

O.P.No. 40 of 2020

Victory Power Systems Pvt Ltd Vs. APSPDCL

Petition u/s 86 (1) (f) r/w Sections 86 (1) (b) and 86 (1) (e) of the Electricity Act, 2003 for adjudication of the dispute relating to the purchase of mini hydel power by APSPDCL from Victory Power Systems Pvt Ltd in terms of the PPA dt.16-02-2019 and for approval thereof.

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

OP is further heard. Orders reserved.

Sd/-
MEMBER/TRS

Sd/-
CHAIRMAN

Sd/-
MEMBER/PRR

OP No. 21 of 2022

M/s.Vibrant Greentech India Pvt Ltd Vs. APSPDCL

Petition under Sections 86(1) (a), 86 (1)(b), 86 (1) (e) of the Electricity Act, 2003 read with APERC (Conduct of Business) Regulation, 1999 seeking approval of tariff of at least Rs. 3.43/- per unit for sale of wind power by the petitioner's 5.1 MW Wind Power Plant to the respondent herein for the PPA dt. 18-06-2011 for the balance tenure from 11th to 20th year of operation in terms of the order dt.01-05-2009 passed by this Commission in OP 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.

Heard. Orders reserved.

Sd/-
MEMBER/TRS

Sd/-
CHAIRMAN

Sd/-
MEMBER/PRR

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.V.Shivani, counsel representing Sri Sricharan Telaprolu, learned counsel for the Petitioner, and Sri P.Shiva Rao, learned Standing Counsel for the respondents, are present at the hearing.

The first part of the prayer relating to payment of amount is allowed as prayed for (vide separate order)

Sd/-
MEMBER/TRS

Sd/-
CHAIRMAN

Sd/-
MEMBER/PRR

Anakapalle RESCO
(Suo motu Proceedings)

Sri V.V.N.Narayana Rao, learned counsel, representing respondents 1 and 2, is present along with respondent No.2-Sri M.V.Ramakrishnam Raju, Managing Director of respondent No.1. On behalf of respondent No.3, Sri P. Shiva Rao, learned Standing Counsel, is present along with Sri Chandram Dandagala, Director (Finance) of respondent No.3.

Sri Chandram, Director (Finance) of respondent No.3 submitted that on examination of the expenditure of Rs.5,16,90,331-73 ps., made by respondents 1 and 2 for the months of May and June, 2022, it is found in order; and that, presently, respondent No.3 has been in total control of the activities of respondent No.1.

Respondent No.2 submitted that he has already requested his parent department to repatriate him and that he is in no way interfering with the activities of respondent No.3.

In the light of the above, the *suo motu* proceedings are adjourned. The next date of hearing will be intimated in due course.

Sd/-
MEMBER/TRS

Sd/-
CHAIRMAN

Sd/-
MEMBER/PRR