

RECORD OF PROCEEDINGS DATED 29-6-2022

OP No. 13 of 2022 (APSPDCL)

OP No. 19 of 2022 (APEPDCL)

OP No. 20 of 2022 (APCPDCL)

Petition seeking pass through of Fuel & Power Purchase Cost Adjustment (FPPCA) for 2nd quarter for FY 2021-22 (July'21 to September' 21)

Sri P.Shiva Rao, learned Standing counsel for the petitioners and Sri Shiv Kumar, APTMA and Sri M.Venugopal Rao, learned Objectors, are present at the web hearing.

All the DISCOMS have filed their revised claims.

Sri Venugopala Rao, learned Objector, submitted that the revised claims have not been properly uploaded on the Commission's website. The Office, however, informed that they have been uploaded under a separate head "Public Hearing" on the periphery of the main screen of the Commission's website.

Sri Venugopal Rao, however, submitted that there has been a long standing practice that the matters relating to the "Public Hearing" are posted on the main web page of the Commission.

Office is directed to sort out this issue so as to facilitate proper information and easy access to the subject in the website.

Sri Venugopala Rao and Sri Shiv Kumar, learned Objectors, have requested time for filing their objections to the revised claims.

Four weeks time is accordingly granted for filing objections. Two weeks for further response by the DISCOMs, if any, is granted.

Call on 17-8-2022.

Sd/-
MEMBER/TRS

Sd/-
CHAIRMAN

Sd/-
MEMBER/PRR

OP No. 102 of 2021 (APEPDCL)

OP No. 103 of 2021 (APSPDCL)

OP No. 104 of 2021 (APCPDCL)

Filing of application for pass through of Fuel & Power Purchase cost Adjustment (FPPCA) for 1st quarter for FY 2021-22 (Apr'21 to Jun'21) in Rs/Unit as per Second amendment to APERC Regulation No.4 of 2005 (Terms and condition for determination of tariff on wheeling and retail sale of electricity) Regulation No.4 of 2021.

Sri P.Shiva Rao, learned Standing Counsel for the petitioners, appeared at the web hearing.

At the request of Sri P.Shiva Rao, learned standing counsel for the petitioners, call on 06-7-2022.

Sd/-
MEMBER/TRS

Sd/-
CHAIRMAN

Sd/-
MEMBER/PRR

OP No.40 of 2022
APSPDCL

Petition filed Seeking renewable energy certificates for the Financial Year 2019-2020 as per its eligibility under section 61, 66, 86(1)(e) of the Electricity Act, 2003 read with Regulation 1 of 2017 of APERC prescribing the obligation for purchase of renewable power and its compliance by purchase of renewable energy / renewable energy certificates

Sri P.Shiva Rao, learned Standing Counsel for the petitioner, appeared at the web hearing.

Heard, Sri P.Shiva Rao, learned Standing Counsel for the petitioner.

Orders reserved.

Sd/-
MEMBER/TRS

Sd/-
CHAIRMAN

Sd/-
MEMBER/PRR

OP 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 seeking the power to 3rd parties under open access from 2 x 6 MW mini hydel power project at Somasila, Nellore District, Andhra Pradesh by canceling the existing PPA

Ms. Himangini Sanghi, learned counsel for the petitioner; and Sri P.Shiva Rao, learned Standing Counsel for the respondents, are present at the web hearing.

Sri P.Shiva Rao, learned Standing Counsel for the respondents, requested time for filing counters.

Call on 27-7-2022

Sd/-
MEMBER/TRS

Sd/-
CHAIRMAN

Sd/-
MEMBER/PRR

OP No.42 of 2022

M/S. Amaravathi Textiles Pvt Ltd., Vs. APSPDCL, APTRANSCO, APPCC

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

Sri P.Shiva Rao, learned Standing Counsel for the respondent, requested time for filing counter.

Call on 27-7-2022

Sd/
MEMBER/TRS

Sd/-
CHAIRMAN

Sd/-
MEMBER/PRR

IA No. 1 of 2022 in O.P.Nos. 122, 123 & 124 of 2021

APSPDCL, APEPDCL & APCPDCL

Application Seeking relief under Section 86(1)(b) of Electricity Act, 2003 read with Regulation 55 (1) & (2) of APERC Business Regulations 2 of 1999, to request the Hon'ble APERC for consideration of energy dispatch from Central Generating Stations NTPC Kudgi, NTECL Vallur, NTPL & NNTPS in RST FY 2022-23 in view of existing Power Supply Situation and, considering the approval accorded in Resource Plan for fourth control period spanning between FY 2019-24 treating them as Base Load Plants and existing Power Purchase Agreements with the CGS Plants

Sri P.Shiva Rao, learned Standing Counsel for the DISCOMs appeared at the web hearing.

We do not find any error in the order passed by the Commission. Hence, the Review Petition is dismissed.

Sd/-
MEMBER/TRS

Sd/-
CHAIRMAN

Sd/-
MEMBER/PRR

I.A.NO.1 of 2022 in OP No.9 of 2022
M/s. Greenko Solar Power (Dharmavaram) Ltd., Vs. APSPDCL
I.A.NO.1 of 2022 in OP No.10 of 2022
M/s. SEI Arushi Private Limited Vs. APSPDCL
I.A.NO.1 of 2022 in OP No.11 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 Raghavendra Sudhir, Advocate, representing Sri Akshaya Babu, learned counsel for the petitioners; and Sri P.Shiva Rao, learned Standing Counsel for the respondents, are present at the web hearing.

Respondents have filed counters in I.A.Nos.1 of 2022. Sri Raghavendra Sudhir, learned counsel representing the petitioners, requested time for filing rejoinder to the counters.

Call on 27-7-2022.

Sd/-
MEMBER/TRS

Sd/-
CHAIRMAN

Sd/-
MEMBER/PRR

OP No.22 of 2022
M/s. Vayu Urja Bharat Pvt Ltd., Vs. APSPDCL

Petition under section 86(1)(f) of the Electricity Act, 2003 read with applicable provisions of the Power Purchase Agreement dated 28-07-2016 and this Hon'ble Commission's Judgment dated 31-08-2019 in OP No. 35 of 2019, inter alia seeking direction to the Respondent for payment of the outstanding late payment surcharge accrued pursuant to the consistent delayed payment of the invoices from March, 2107 till October 2020

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

Counter is filed. Sri Aniket Prasoon, learned counsel for the petitioner, requested a short time for filing rejoinder.

Sri P.Shiva Rao, learned Standing Counsel for the respondent, submitted that similar cases stood posted to 10-8-2022. He requested that this case also be posted to the said date.

Accordingly, call on 10-8-2021.

Sd/-
MEMBER/TRS

Sd/-
CHAIRMAN

Sd/-
MEMBER/PRR

OP No.113 of 2021

M/s. Vayu (India) Power Corporation Limited., Vs. APTRANSCO, APPCC & 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 29-05-2010 and for a direction against the respondents to make payments of the outstanding amounts

Sri Aniket Prasoon, learned counsel for the petitioner; and Sri P.Shiva Rao, learned Standing Counsel for the respondents, are present at the web hearing.

By order dated 16-3-2022, we have directed the respondents to make payment at Rs.2.43 ps., per unit from the 11th year onwards, and with the further direction that the entire arrears as on the said date shall be paid before the next date of hearing i.e.. 29-6-2022.

At the hearing Sri Aniket Prasoon, learned counsel for the petitioner, submitted that in spite of the said direction, no amount has been paid by the respondents.

Sri Rch. Srinivasa Rao, General Manager, Accounts/APCPDCL, filed an affidavit, wherein he pleaded that due to certain serious difficulties, the Commission's order could not be complied with. While stating that they are making efforts to discharge their liability, he requested time till 28-9-2022 for complying with the order dated 16-3-2022.

It is highly unfortunate that every order of this Commission directing payments of the admitted amounts is being flouted, this despite the fact that the Commission has been showing a lot of indulgence by liberally granting time for such payments. The respondents cannot go on pleading financial problems for their inability to pay even the admitted dues, which are pending for months and months on end. They need to find some long lasting solution to honour the PPAS and discharge their admitted liability for the power being received from the developers. While we are absolutely not convinced with the reasons stated in the affidavit, however, to avoid an unpleasant situation of imposition of penalties under the Act, we are inclined to extend the time till 30-8-2022 for complying with the order dated 16-3-2022.

If the respondents failed to pay the amounts, as per the said order on the above extended date, the CMD of APSPDCL shall be personally present and the Commission, in such a case, will be left with no option but to initiate action under Section 142 of the Electricity Act, 2003.

Call on 07-9-2022.

Sd/-
MEMBER/TRS

Sd/-
CHAIRMAN

Sd/-
MEMBER/PRR

OP No.59 of 2021

M/s. APEPDCL & 2 others Vs. GVK Industries Ltd & 3 others

Petition 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 petitioner; and Ms.Rubaina Khatoon, learned counsel for the respondents, are present at the web hearing.

On behalf of respondent No.1, today a memo is filed, wherein it is stated that in an Insolvency Proceedings initiated by one of the Financial Creditors of respondent No.1, an Interim Resolution Professional (IRP) was appointed by the National Company Law Tribunal, Hyderabad Bench, vide: order date 21-4-2022. By the said order, moratorium has been imposed on various aspects, including transfer of assets of the Corporate Debtor, i.e., Respondent No.1. Respondent No.1 has, therefore, prayed to keep the matter in abeyance until the completion of the Corporate Insolvency Resolution Process.

After hearing Sri P.Shiva Rao, learned counsel for the petitioners; Ms.Rubaina Khatoon, learned counsel for the respondents; and Sri M.Venugopala Rao, learned Objector, we are of the opinion that the IRP has to come on record as respondent No.1 can no longer represent their case so long as the order appointing the IRP remains in force. The learned counsel for the Respondents has submitted that the IRP was already apprised of the pendency of the present O.P., and that she will, once again, remind him about the need for his coming on record.

We also direct the petitioners to send a notice to the IRP about the pendency of the O.P., informing that, if he so chooses, he may enter appearance before the next date of hearing.

Call on 17-8-2022.

Sd/-
MEMBER/TRS

Sd/-
CHAIRMAN

Sd/-
MEMBER/PRR

OP No.116 of 2021

M/s. 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

Sri A.P.Reddy, learned counsel for the petitioner; and Sri P.Shiva Rao, learned Standing Counsel for the respondents, are present at the web hearing.

Sri P.Shiva Rao, learned Standing Counsel for the respondents, submitted that within a fortnight respondent No.2 will pay the entire amount of Rs.18,95,637/- (Rupees eighteen lakhs, ninety five thousand, six hundred and thirty seven only).

For reporting such payment, call on 27-7-2022.

Sd/-
MEMBER/TRS

Sd/-
CHAIRMAN

Sd/-
MEMBER/PRR

OP No.76 of 2021

M/s. 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 for the petitioner; and Sri P.Shiva Rao, learned Standing Counsel for the respondents, are present at the web hearing.

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

The area of difference between the parties pertains to the price payable by the respondents for the power received by them from the petitioner during the year 2016-17 i.e., for the period from 19-4-2016 to 31-3-2017. The reason for this is, the PPA of the petitioner expired on 18-4-2016 and the above mentioned period, during which the power was supplied, was not covered by any PPA. The respondents sought to apply the prices fixed by the Commission for the year 2017-18 in respect of the power received by them for the above mentioned period also.

Sri S.Ravi, learned Senior Counsel for the petitioner, submitted that power was supplied by his client based on certain correspondence between the parties, which clearly reveals that the

respondents agreed to pay at the tariff, which was stipulated in the expired PPA. He, however, requested time for producing the relevant correspondence.

Call on 27-7-2022.

Sd/-
MEMBER/TRS

Sd/-
CHAIRMAN

Sd/-
MEMBER/PRR