

Record of proceedings dated 30-03-2019

O.P. No. 2 of 2017
M/s. 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 P. Vikram, learned counsel for the petitioner, Sri G.V. Brahmananda Rao, learned counsel representing Sri P. Shiva Rao, learned Standing Counsel for the respondent and Sri M. Venugopala Rao, learned objector are present.

Heard Sri P. Vikram, learned counsel for the petitioner, Sri G.V. Brahmananda Rao, learned counsel representing Sri P. Shiva Rao, learned Standing Counsel for the respondent and Sri M. Venugopala Rao, learned objector. Orders reserved.

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CHAIRMAN

RP No. 1 / 2010 in O.P. Nos. 17 to 20 / 2008
M/s. RPP Ltd Vs DISCOMs

Petition for reviewing the tariff order dated 20.03.2009 in O.P. Nos. 17 to 20 of 2008 in respect of wheeling tariff for FY 2009-10 to 2013-14 and RST for FY 2009-10.

Sri K Gopal Choudary, learned counsel for the petitioner and Sri G.V. Brahmananda Rao, learned counsel representing Sri P. Shiva Rao, learned Standing Counsel for the respondents are present.

At request of Sri K. Gopal Choudary, learned counsel for the petitioner, who is proposing to file a review petition before the Hon'ble High Court against the jurisdiction order. Hence, the matter is posted to 27-04-2019.

Call on:

27-04-2019
at 11:00 AM

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RP No. 2 / 2010 in O.P. No. 21 / 2008
M/s. RPP Ltd Vs APTRANSCO

Petition for review of tariff order dated 20.03.2009 in O.P. No.21 of 2008 in respect of transmission tariff for FY 2009-10 to 2013-14.

Sri K Gopal Choudary, learned counsel for the petitioner and Sri G.V. Brahmananda Rao, learned counsel representing Sri P. Shiva Rao, learned Standing Counsel for the respondents are present.

At request of Sri K. Gopal Choudary, learned counsel for the petitioner, who is proposing to file a review petition before the Hon'ble High Court against the jurisdiction order and hence, the matter is posted to 27-04-2019.

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RP No. 3 / 2010 in O.P. Nos. 17 to 20 / 2008
KCP & 2 others Vs APPCC, APTRANSCO & DISCOMs

Petition for reviewing the tariff order dated 20.03.2009 in O.P. Nos. 17 to 20 of 2008 in respect of wheeling tariff for FY 2009-10 to 2013-14 and RST for FY 2009-10.

Sri M. Sridhar, learned counsel representing Sri Challa Gunaranjan, learned counsel for the petitioner and Sri G.V. Brahmananda Rao, learned counsel representing Sri P. Shiva Rao, learned Standing Counsel for the respondents are present.

At request of Sri K. Gopal Choudary, learned counsel, who is proposing to file a review petition before the Hon'ble High Court against the jurisdiction order and hence, the matter is posted to 27-04-2019.

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RP No. 4 / 2010 in O.P. No. 21 / 2008
KCP & 2 others Vs APPCC, APTRANSCO & DISCOMs

Petition for review of tariff order dated 20.03.2009 in O.P. Nos. 17 to 20 of 2009 in respect of transmission tariff for FY 2009-10 to 2013-14.

Sri M. Sridhar, learned counsel representing Sri Challa Gunaranjan, learned counsel for the petitioner and Sri G.V. Brahmananda Rao, learned counsel representing Sri P. Shiva Rao, learned Standing Counsel for the respondents are present.

At request of Sri K. Gopal Choudary, learned counsel, who is proposing to file a review petition before the Hon'ble High Court against the jurisdiction order and hence, the matter is posted to 27-04-2019.

Call on: 27-04-2019
at 11:00 AM

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RP No. 5 / 2010 in OP Nos. 17 to 20 / 2008
Small Hydro Power Developers Association & 16 others Vs DISCOMs

Petition for reviewing the tariff order dated 20.03.2009 in O.P. Nos. 17 to 20 of 2008 in respect of wheeling tariff for FY 2009-10 to 2013-14 and RST for FY 2009-10.

Sri K Gopal Choudary, learned counsel for the petitioner and Sri G.V. Brahmananda Rao, learned counsel representing Sri P. Shiva Rao, learned Standing Counsel for the respondents are present.

At request of Sri K. Gopal Choudary, learned counsel for the petitioner, who is proposing to file a review petition before the Hon'ble High Court against the jurisdiction order and hence, the matter is posted to 27-04-2019.

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O.P No.16 of 2010 & IA No. 7 of 2011
Tata Trading Company Vs DISCOMs & APTRANSCO

Petition against the illegal, unilateral and wrongful deductions towards illegal compensation claim for supply of short term power

Interlocutory petition filed by the petitioner in the OP seeking interim orders for release of the amounts on production of bank guarantee pending disposal of the main O.P. i.e., O.P. No. 16 of 2010

Sri K. Jashwanth Rao, learned counsel representing Sri Avinash Desai, learned counsel for the petitioner and Sri G.V. Brahmananda Rao, learned counsel representing Sri P. Shiva Rao, learned Standing Counsel for the respondents are present.

The stay is stated to be continuing. Hence, the matter is posted to 29-06-2019.

Call on: 29-06-2019
at 11:00 AM

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O.P.No.495 of 2003
AP TRANSCO Vs M/s. Andhra Pradesh Paper Mills & others

Commission by order dated 22-03-2004 determined Bulk Supply Tariff, Transmission Charges, SLDC Charges (Common order in O.P.Nos.495 to 499 of 2003)

Sri G.V. Brahmananda Rao, learned counsel representing Sri P. Shiva Rao, learned Standing Counsel for the petitioner and Sri K. Gopal Choudary, learned counsel for the respondents are present.

The matter is stated to be still pending before the Hon'ble Supreme Court. Hence, posted to 29-06-2019.

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O.P.No.496 of 2003
APEPDCL Vs M/s. Andhra Pradesh Paper Mills & others

Commission by order dt.22-3-2004 determined distribution and retail supply tariffs
(Common order in O.P.Nos.495 to 499 of 2003)

Sri G.V. Brahmananda Rao, learned counsel representing Sri P. Shiva Rao, learned
Standing Counsel for the petitioner and Sri K. Gopal Choudary, learned counsel for
the respondents are present.

The matter is stated to be still pending before the Hon'ble Supreme Court. Hence,
posted to 29-06-2019.

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O.P.No.497 of 2003

Sd/-
CHAIRMAN

APCPDCL Vs M/s. Andhra Pradesh Paper Mills & others

Commission by order dt.22-3-2004 determined distribution and retail supply tariffs
(Common order in O.P.Nos.495 to 499 of 2003)

Sri G.V. Brahmananda Rao, learned counsel representing Sri P. Shiva Rao, learned
Standing Counsel for the petitioner and Sri K. Gopal Choudary, learned counsel for
the respondents are present.

The matter is stated to be still pending before the Hon'ble Supreme Court. Hence,
posted to 29-06-2019.

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O.P.No.498 of 2003
APNPDCL Vs M/s. Andhra Pradesh Paper Mills & others

Commission by order dt.22-3-2004 determined distribution and retail supply tariffs
(Common order in O.P.Nos.495 to 499 of 2003)

Sri G.V. Brahmananda Rao, learned counsel representing Sri P. Shiva Rao, learned Standing Counsel for the petitioner and Sri K. Gopal Choudary, learned counsel for the respondents are present.

The matter is stated to be still pending before the Hon'ble Supreme Court. Hence, posted to 29-06-2019.

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O.P.No.499 of 2003
APSPDCL Vs M/s. Andhra Pradesh Paper Mills & others

Commission by order dt.22-3-2004 determined distribution and retail supply tariffs
(Common order in O.P.Nos.495 to 499 of 2003)

Sri G.V. Brahmananda Rao, learned counsel representing Sri P. Shiva Rao, learned Standing Counsel for the petitioner and Sri K. Gopal Choudary, learned counsel for the respondents are present.

The matter is stated to be still pending before the Hon'ble Supreme Court. Hence, posted to 29-06-2019.

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O.P.No.30 /2004

APTRANSCO Vs Small Hydro Power Developers' Association & others

Commission by order dated 22-03-2005 determined Bulk Supply Tariff, Transmission Charges, SLDC Charges (Common order in O.P.Nos.30 to 34 of 2004)

Sri G.V. Brahmananda Rao, learned counsel representing Sri P. Shiva Rao, learned Standing Counsel for the petitioner and Sri K. Gopal Choudary, learned counsel for the respondents are present.

The matter is stated to be still pending before the Hon'ble Supreme Court. Hence, posted to 29-06-2019.

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O.P.No.31 /2004

APCPDCL Vs Small Hydro Power Developers' Association & others

Commission by order dt.22-3-2005 determined distribution and retail supply tariffs (Common order in O.P.Nos.30 to 34 of 2004)

Sri G.V. Brahmananda Rao, learned counsel representing Sri P. Shiva Rao, learned Standing Counsel for the petitioner and Sri K. Gopal Choudary, learned counsel for the respondents are present.

The matter is stated to be still pending before the Hon'ble Supreme Court. Hence, posted to 29-06-2019.

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O.P.No.32 /2004

APEPDCL Vs Small Hydro Power Developers' Association & others

Commission by order dt.22-3-2005 determined distribution and retail supply tariffs
(Common order in O.P.Nos.30 to 34 of 2004)

Sri G.V. Brahmananda Rao, learned counsel representing Sri P. Shiva Rao, learned Standing Counsel for the petitioner and Sri K. Gopal Choudary, learned counsel for the respondents are present.

The matter is stated to be still pending before the Hon'ble Supreme Court. Hence, posted to 29-06-2019.

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O.P.No.33 /2004

APNPDCL Vs Small Hydro Power Developers' Association & others

Commission by order dt.22-3-2005 determined distribution and retail supply tariffs
(Common order in O.P.Nos.30 to 34 of 2004)

Sri G.V. Brahmananda Rao, learned counsel representing Sri P. Shiva Rao, learned Standing Counsel for the petitioner and Sri K. Gopal Choudary, learned counsel for the respondents are present.

The matter is stated to be still pending before the Hon'ble Supreme Court. Hence, posted to 29-06-2019.

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O.P.No.34 /2004

APSPDCL Vs Small Hydro Power Developers' Association & others

Commission by order dt.22-3-2005 determined distribution and retail supply tariffs
(Common order in O.P.Nos.30 to 34 of 2004)

Sri G.V. Brahmananda Rao, learned counsel representing Sri P. Shiva Rao, learned Standing Counsel for the petitioner and Sri K. Gopal Choudary, learned counsel for the respondents are present.

The matter is stated to be still pending before the Hon'ble Supreme Court. Hence, posted to 29-06-2019.

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O.P.No.1 of 2006

APTRANSCO Vs Small Hydro Power Developers' Association & others

Determination of tariffs including transmission charges. Certain generators questioned the Tariff Order dt.23.03.2006 in respect of levy of transmission charges.

Sri G.V. Brahmananda Rao, learned counsel representing Sri P. Shiva Rao, learned Standing Counsel for the petitioner and Sri K. Gopal Choudary, learned counsel for the respondents are present.

The matter is stated to be still pending before the Hon'ble Supreme Court. Hence, posted to 29-06-2019.

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O.P.No.2 of 2006

APCPDCL Vs Small Hydro Power Developers' Association & others

Commission by a common order dated 23-03-2006 determined distribution tariff for control period 2006-07 to 08-09 and RST for FY 2006-07for 4 discoms

Sri G.V. Brahmananda Rao, learned counsel representing Sri P. Shiva Rao, learned Standing Counsel for the petitioner and Sri K. Gopal Choudary, learned counsel for the respondents are present.

The matter is stated to be still pending before the Hon'ble Supreme Court. Hence, posted to 29-06-2019.

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O.P.No.3 of 2006

APEPDCL Vs Small Hydro Power Developers' Association & others

Commission by a common order dated 23-03-2006 determined distribution tariff for control period 2006-07 to 08-09 and RST for FY 2006-07for 4 discoms

Sri G.V. Brahmananda Rao, learned counsel representing Sri P. Shiva Rao, learned Standing Counsel for the petitioner and Sri K. Gopal Choudary, learned counsel for the respondents are present.

The matter is stated to be still pending before the Hon'ble Supreme Court. Hence, posted to 29-06-2019.

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at 11:00 AM

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CHAIRMAN

O.P.No.4 of 2006

APNPDCL Vs Small Hydro Power Developers ' Association & others

Commission by a common order dated 23-03-2006 determined distribution tariff for control period 2006-07 to 08-09 and RST for FY 2006-07for 4 discoms

Sri G.V. Brahmananda Rao, learned counsel representing Sri P. Shiva Rao, learned Standing Counsel for the petitioner and Sri K. Gopal Choudary, learned counsel for the respondents are present.

The matter is stated to be still pending before the Hon'ble Supreme Court. Hence, posted to 29-06-2019.

Call on:

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at 11:00 AM

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CHAIRMAN

O.P.No.5 of 2006

APSPDCL Vs Small Hydro Power Developers ' Association & others

Commission by a common order dated 23-03-2006 determined distribution tariff for control period 2006-07 to 08-09 and RST for FY 2006-07for 4 discoms

Sri G.V. Brahmananda Rao, learned counsel representing Sri P. Shiva Rao, learned Standing Counsel for the petitioner and Sri K. Gopal Choudary, learned counsel for the respondents are present.

The matter is stated to be still pending before the Hon'ble Supreme Court. Hence, posted to 29-06-2019.

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at 11:00 AM

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O.P.No.30 of 2017
APSPDCL & APEPDCL Vs M/s. GMR Vemagiri Power Generation Ltd & 2 others

Petition under Section 86 (1) (f) of the Electricity Act, 2003 requesting the Commission to direct the respondent No.1 to pay the energy consumed by it towards Start-up and Maintenance of its 370 MW project at Vemagiri (V), Kadium (M), East Godavari District at HT-1 scheduled tariff

Sri G.V. Brahmananda Rao, learned counsel representing Sri P. Shiva Rao, learned Standing Counsel for the petitioner and Sri K. Siddartha, learned counsel for the 1st respondent are present.

The stay is stated to be continuing. Hence, the matter is posted to 29-06-2019.

Call on: 29-06-2019
at 11:00 AM

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In the matter of allocating inflated demand by the Andhra Pradesh Gas Power Corporation Ltd (APGPCL) to its shareholders.

Sri G.V. Brahmananda Rao, learned counsel representing Sri P. Shiva Rao, learned Standing Counsel for the petitioners and Sri K. Gopal Choudary, learned counsel, Ms. Rashmi G. Kamath, learned counsel for APGPCL, Sri M. Sridhar, learned counsel representing Sri Challa Gunaranjan, learned counsel for (i) India Cements (ii) Satyanarayana Spinning Mills Limited & (iii) Sri Akkamamba Textiles Limited are present.

At request, due to the personal inconvenience of Sri C.V. Mohan Reddy, learned Senior Counsel for APGPCL, the matter is posted to 27-04-2019.

Call on: 27-04-2019
at 11:00 AM

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O.P.No.31 of 2019
M/s. Azure Power Infrastructure Private Limited Vs APSPDCL

Petition under Section 86 (1) (a) and (b) read with Section 86 (1) (f) of the Electricity Act, 2003 and Article 13 read with Article 11.4 of the Power Purchase Agreement executed between the petitioner and respondent dated 05-12-2014 seeking relief on account of "Change in Law" viz., the introduction of Goods and Services Tax Laws at the Central level and change in the rate of Service Tax, resulting in additional recurring expenditure in the form of an additional tax burden to be borne by the petitioner after the Effective Date of the Power Purchase Agreement

Sri M. Sridhar, learned counsel representing Trilegal for the petitioner and Sri G.V. Brahmananda Rao, learned counsel representing Sri P. Shiva Rao, learned Standing Counsel for the respondent are present.

Sri P. Shiva Rao, learned Standing Counsel entered appearance for the respondent and sought for time for counter. Hence, the matter is posted to 27-04-2019.

Call on: 27-04-2019
at 11:00 AM

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CHAIRMAN

O.P.No.33 of 2017
M/s. NSL Sugars Ltd Vs APPCC & 3 others

Petition under Section 86 (1) (f) of the Electricity Act, 2003 r/w APERC (Conduct of Business) Regulation 1999 for resolving dispute in settlement of annual reconciliation bills under purchase order

Sri K. Gopal Choudary representing Sri Challa Gunaranjan, learned counsel for the petitioner and Sri. G.V. Brahmananda Rao representing Sri P. Shiva Rao, learned Standing Counsel for the utilities are present.

Orders pronounced (*vide separate common order*)

"In the result, O.P.No.33 of 2017 is allowed to the extent of directing the respondents to refund an amount of Rs.1,04,95,066/- to the petitioner therein without any interest and costs and O.P.No.34 of 2017 is allowed to the extent

of directing the respondents to refund an amount of Rs.35,88,371/- to the petitioner therein without any interest and costs. The rest of the claims in both the Original Petitions are dismissed. The Original Petitions are ordered accordingly”.

Sd/-
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Sd/-
MEMBER/ PR

Sd/-
CHAIRMAN

O.P.No.34 of 2017
M/s. NSL Sugars (Tungabhadra) Ltd Vs APPCC & 3 others
Petition under Section 86 (1) (f) of the Electricity Act, 2003 r/w APERC (Conduct of Business) Regulation 1999 for resolving dispute in settlement of annual reconciliation bills under purchase order

Sri K. Gopal Choudary representing Sri Challa Gunaranjan, learned counsel for the petitioner and Sri. G.V. Brahmananda Rao representing Sri P. Shiva Rao, learned Standing Counsel for the utilities are present.

Orders pronounced (*vide separate common order*)

“In the result, O.P.No.33 of 2017 is allowed to the extent of directing the respondents to refund an amount of Rs.1,04,95,066/- to the petitioner therein without any interest and costs and O.P.No.34 of 2017 is allowed to the extent of directing the respondents to refund an amount of Rs.35,88,371/- to the petitioner therein without any interest and costs. The rest of the claims in both the Original Petitions are dismissed. The Original Petitions are ordered accordingly”.

Sd/-
MEMBER / PRM

Sd/-
MEMBER/ PR

Sd/-
CHAIRMAN

In the matter of Load Forecasts, Resource Plans, Investment Plans and State Electricity Plan relating to the 3rd control period and the 4th control period

Refer:

1. APERC Regulation No.4 of 2005 (Regulations 9.1, 16.1, 16.2 and 16.3)
2. APERC Regulation No.5 of 2005 (Regulations 9.1, 9.2, 14.1, 14.2 and 14.3)
3. APERC Guidelines for Load Forecasts, Resource Plans and Power Procurement Plans issued in December, 2006
4. APERC Regulation No.1 of 2008 (Regulations 3.1, 3.2, 3.3 and 3.4)
5. APERC Regulation No.10 of 2013 (Regulations 35 and 37)
6. Public Notice of the Commission dated 06-05-2017.

ORDER

The Load Forecast, the Resource Plan, the Investment Plans, the State Electricity Plan etc., for the balance of the 3rd control period and corresponding tentative plan for the 4th control period were under consideration of the Commission from 06-05-2017 in accordance with the procedure prescribed by the APERC guidelines for Load Forecast, Resource Plan and Power Procurement Plans of 2006 read with APERC Regulations 4 and 5 of 2005, 1 of 2008 and 10 of 2013. However, in view of such an exercise not being undertaken almost since about two decades and the voluminous and vast material that has to be collected, referred to and analyzed, the exercise could not be completed till now and by today, the 3rd control period is coming to an end. All those things which could have been covered by any Load Forecasts, Resource Plans, Power Procurement Plans, Investment Plans and State Electricity Plan during that period had already happened and any planning for the past has therefore become superfluous and *infructuous* in so far as the 3rd control period is concerned. For the 4th control period and the 5th control period, the proceedings have been concluded in accordance with the above referred to guidelines and regulations and orders thereon will be pronounced shortly on merits in accordance with law.

Under the circumstances, these proceedings have to be closed as no longer necessary, while placing on record the deep appreciation of the Commission for the help rendered in the process by the learned *Amicus Curiae*, officers of the Commission and officers of the licensees in putting on rails the exercise in tune with the regulatory provisions. The exercise is not futile and is fully useful in impressing upon the Commission and the licensees the need for having such plans for the future for an organized and systematic running and development of the power sector in the State. The exercise conducted and material collected formed the foundation

for the subsequent exercise relating to the 4th and 5th control periods and from FY 2019-20 onwards, hopefully the guidelines and regulations providing for such planning will be observed in letter and spirit.

With those observations, these proceedings relating to the Load Forecast, Resource Plans, Power Procurement Plans, Investment Plans, State Electricity Plan etc., relating to the 3rd control period and tentative plans for the 4th control period in accordance with the APERC guidelines for Load Forecast, Resource Plan, Power Procurement Plans, Investment Plans and State Electricity Plan of 2006 and APERC Regulations 4 and 5 of 2005, 1 of 2008 and 10 of 2013 are hereby closed.

Sd/-
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