

Record of proceedings dated 31-12-2019

O.P.No.33 of 2019
APSPDCL & APEPDCL Vs APGENCO

Public hearing on the Petition u/s 86 (1) (b) of the Electricity Act, 2003 read with Section 21 (4) of the A.P. Reforms Act, 1998 requesting for granting consent to the Amended and Restated PPA dated 28-01-2019 in respect of 600 MW Rayalaseema Thermal Power Project (RTPP) - Stage IV at Muddanur, Cuddapah District.

Sri P. Shiva Rao, learned Standing Counsel for the petitioners, Sri K. Gopal Choudary, learned counsel for the respondent and Sri M. Venugopala Rao, learned objector are present.

Replies have been filed by the CGM / IPC/ APSPDCL to the objections dt.14-11-2019 and 25-11-2019 of Sri M. Venugopala Rao, objector in O.P.No.33 of 2019.

Sri P. Shiva Rao, learned Standing Counsel submitted that he has filed response to the objections in O.P.No.35 of 2018. Sri K. Gopal Chowdary learned Counsel for the APGENCO requested for time for instructions and filing of written response if any.

Call on 18-02-2020.

Sd/-
MEMBER / PRM

Sd/-
CHAIRMAN

Sd/-
MEMBER / PR

O.P.No.35 of 2018
APGENCO Vs. APSPDCL & APEPDCL

Public hearing in the matter of determination of tariff of APGENCO stations for the 4th control period (FY 2019-20 to FY 2023-24)

Sri K. Gopal Choudary, learned counsel for the petitioner, Sri P. Shiva Rao, learned Standing Counsel for the respondents and Sri M. Venugopala Rao, learned objector are present.

Call along with O.P.No.33 of 2019 on 18-02-2020.

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MEMBER / PRM

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CHAIRMAN

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MEMBER / PR

O.P.No.41 of 2019
M/s. Palnadu Solar Power Pvt. Ltd Vs CMD / APSPDCL
CE / APPCC / APTRANSCO and CGM / Projects & IPC / APSPDCL

Petition filed u/s 63 of the Electricity Act, 2003 r/w APERC (Conduct of Business) Regulation 1999 for approval of tariff for the additional capacity of 4.5 MW of the petitioner's solar power project as determined through competitive bidding process.

Sri M. Sridhar, learned counsel representing Sri Challa Gunaranjan, learned counsel for the petitioner, Sri P. Shiva Rao, learned Standing Counsel for the utilities and Sri M. Venugopala Rao, learned objector are present.

At the request of learned counsel for the parties, the case is adjourned. Call on 05-03-2020.

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MEMBER / PRM

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CHAIRMAN

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MEMBER / PR

O.P. No.73 of 2019

M/s. Aditya Birla Renewable SPV 1 Ltd Vs. APSPDCL & APTRANSCO

Petition filed under Section 86 (1) (f) of the Electricity Act, 2003 and other applicable provisions of the Electricity Act, 2003 read with APERC (Terms and Conditions of Open Access) Regulations, 2005, against Respondent No.1 for claiming wheeling charges and losses from the petitioner for alleged use of distribution system, when no distribution system of Respondent No.1 is been utilized for transmitting electricity from 20 MW captive solar project of the Petitioner

Sri.S.S.Choudary, learned counsel for the petitioner, Sri P. Shiva Rao, learned Standing Counsel for the utilities are present.

Sri P. Shiva Rao, learned Standing Counsel for the utilities requested for time for filing Counter. Call on 05-03-2020.

Sd/-
MEMBER / PRM

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CHAIRMAN

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MEMBER / PR

O.P.No.61 of 2019 & I.A.No.20 of 2019

M/s. SBG Cleantech Project Co Pvt. Ltd Vs APSLDC, APTRANSCO, APEPDCL,
NTPC & MNRE

Petition u/s 33 (4) read with Sections 86 (1) (e), 86 (1) (f) and 86 (1) (k) of the Electricity Act, 2003 and Regulation 8 of the APERC (Conduct of Business) Regulations, 1999 as amended from time to time, inter-alia, seeking direction(s) to the respondents to implement the MUST RUN status accorded to the petitioner's Solar Project in letter and spirit, refrain from illegally curtailing the solar energy generated therefrom, and compensate the petitioner for the unlawful and arbitrary curtailment of generation from the petitioner's Solar Project

Sri Aniket Prasoon, Ms.Priya Dhankar & Ms. Akanksha Tanvi, learned counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the respondents 1 to 3 are present.

Heard the learned Counsel for both parties. Sri P. Shiva Rao, learned Standing Counsel for the respondents submitted that the Hon'ble High Court is seized of the issue of the alleged curtailment of power supplied by many of the renewable energy companies and that the case stands posted to 07-01-2020. Sri. Aniket Prasoon, learned counsel for the petitioner submitted that the respondents are deliberately curtailing supply of power every day. Having regard to this serious allegation, the Commission called upon the learned Standing Counsel to instruct the respondents not to curtail power deliberately. While denying the allegations of the petitioner, the learned Stranding Counsel agreed to convey the Commission's views so that the curtailment may be confirmed due to system exigencies only but not otherwise. As the issue is seized of by the Hon'ble High Court A.P. Commission would like to await orders of the Hon'ble High Court A.P. Call on 25-02-2020.

Sd/-
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MEMBER / PR

O.P.No.34 of 2019

M/s. JSW Power Trading Company Ltd Vs APSPDCL
Petition under Section 86 (1) (f) & other applicable provisions of the Electricity Act,
2003 and Regulations made thereunder seeking direction to respondent for
payment of unlawfully withheld amount including interest for the supply of energy to
respondent under Purchase Order dated 21-08-2014 and Power Purchase
Agreement dated 29-09-2014

Sri Suraj Das Guru, learned counsel for the petitioner and Sri P. Shiva Rao, learned
Standing Counsel for the respondent are present.

Affidavit is filed by Sri K. Balaji, General Manager (PP&S)/APPCC, Vijayawada
expressing unconditional apology for the mistake of incorrect interpretation of the
Commission's order. The apology is accepted. Sri P. Shiva Rao, learned Standing
Counsel for the respondent reported that a representative of the respondent was
sent to Mumbai as per the direction of the Commission and held negotiations, and
that the petitioner did not agree for any negotiated settlement. Hearing in the OP
No. 34 of 2019 is concluded. Order is reserved.

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MEMBER / PRM

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MEMBER / PR

I.A.No.19 of 2019 in O.P.No.35 of 2019
M/s. Vayu Urja Bharat Pvt. Ltd Vs APSPDCL

Application under Section 142 of the Electricity Act, 2003 read with Regulation 55 of
the APERC (Conduct of Business) Regulations, 1999, as amended, seeking urgent
directions against APSPDCL for the non-compliance of this Commission's order
dated 31-08-2019 in O.P.No.35 of 2019

Sri. P. Sri Raghuram, Sr. Advocate, Sri. Aniket Prasoon & Priya Dhankhar, learned
counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the
respondent are present.

Sri P. Shiva Rao learned Standing Counsel, submitted that by 15-12-2019 out of a
sum of Rs.64.60 crores due and payable by the respondent to the petitioner a sum of

Rs.16 crores was paid. He has further submitted that as the respondent is in dire financial state, it is unable to pay outstanding amount in one lumpsum. Having regard to the unhappy financial situation of the respondent, we accept the offer of the learned standing counsel to pay ¼ of the balance sum within two weeks from today. However, we direct the respondent to come out with its schedule for payment of balance amount within two weeks. A copy of the said proposal shall be furnished to the learned counsel for the petitioner. Call on 05-03-2020.

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CHAIRMAN

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MEMBER / PR

O.P.No.59 of 2019
M/s. Azure Power Infrastructure Pvt Ltd Vs APSPDCL & APPCC

Petition under Section 86 (1) (f) read with Section 86 (1) (e) of the Electricity Act, 2003, Regulation 8 of the APERC (Conduct of Business) Regulations, 1999 as amended from time to time read with Article 11 of the Power Purchase Agreement seeking direction to APSPDCL and APPCC for releasing payment against the outstanding invoices towards sale of wind energy along with the interest/delayed payment surcharge on such delayed payments as per the PPA

Sri Aniket Prasoon & Priya Dhankhar, learned counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the utilities are present.

This petition is filed under section 86 (1)(e) of the Electricity Act, 2003, Regulation 8 of the APERC (Conduct of Business) Regulation, 1999 as amended from time to time read with Article 11 of the Power Purchase Agreement seeking direction of the respondent for releasing payment against the outstanding invoices towards sale of solar energy along with the interest/delayed payment surcharges on such payments as per the PPA.

The petitioner has filed a memo for withdrawal of the petition wherein inter-alia it is stated that the issue raised in this O.P is taken cognizance by a Division Bench of

the Hon'ble High Court of AP in W.A.No. 440 of 2019 and therefore the petitioner may be permitted to withdraw this OP without prejudice to its right to approach this Commission. At the hearing, Sri Aniket Prasoon, learned counsel for the petitioner reiterated the contents of the memo. Hence, the OP No.59 of 2019 is dismissed as withdrawn with liberty to the petitioner in terms of the prayer made.

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MEMBER / PR

O.P. No. 74 of 2019 & I.A. No.27 of 2019
M/s.Azure Power India Pvt. Ltd Vs. APSLDC, APTRANSCO, APEPDCL, NTPC &
MNRE

Petition filed by the petitioner under Section 33(4) read with Section 86(1)(e), 86(1)(f), and 86(1)(k) of the Electricity Act, 2003, and Regulation 8 of the Andhra Pradesh Electricity Regulatory Commission (Conduct of Business) Regulations, 1999 as amended from time to time, inter alia seeking direction(s) to the Respondents to implement the MUST RUN status accorded to the Petitioner's Solar Projects in letter and spirit, refrain from illegally curtailing the solar energy generated therefrom and compensate the Petitioner for the unlawful and arbitrary curtailment of generation from the Petitioner's Solar Project

I.A.No.27 of 2019 filed by the petitioner under Regulation 16 read with Regulation 55 of the Andhra Pradesh Electricity Regulatory Commission (Conduct of Business) Regulations, 1999 as amended from time to time, inter alia seeking interim direction(s) to the Respondents to implement the MUST RUN status accorded to the Petitioner's Solar Project in letter and spirit, and to produce the documents specified in the application which are necessary for the purpose of enabling the Commission to pass orders for adjudication of the Original Petition.

Sri. Aniket Prasoon & Ms. Priya Dhankhar, learned counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the respondents 1 to 3 are present.

Sri P. Shiva Rao, learned Standing Counsel for the respondents 1 to 3 requested time for filing counter. The petitioner file rejoinder, if any, thereafter. Call along with O.P.No.61 of 2019 & I.A. No.20 of 2019 on 25-02-2020.

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O.P.Nos.495 to 499 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 P. Shiva Rao, learned Standing Counsel for the petitioner Sri K. Gopal Choudary & and Sri M. Sridhar, Advocate representing Sri Challa Gunaranjan, learned counsel for the respondents are present.

Sri K. Gopal Choudary, learned Counsel for some of the respondents and Sri M. Sridhar, Advocate representing Sri Challa Gunaranjan, learned counsel for the some other respondents in this batch of O.Ps submitted that in view of Judgment of the Hon'ble Supreme Court dated 29-11-2019 in C.A.No. 5085 of 2003 & batch, the O.Ps can be closed without any need for adjudication on merits, and however this order may be made subject to the outcome of the review petition to be filed before the Hon'ble Supreme Court. Sri P. Shiva Rao, learned Standing Counsel for the utility appearing for petitioners, also requested to close the petitions in view of the Judgment of the Apex Court, upholding the power this Commission to fix wheeling charges. As the issues raised in these OPs have been settled by the Hon'ble Supreme Court, the OPs are closed, however, subject to outcome of the proposed review petitions to be filed before the Hon'ble Supreme Court.

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O.P.Nos.30 to 34 of 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 P. Shiva Rao, learned Standing Counsel for the petitioner Sri K. Gopal Choudary & and Sri M. Sridhar, Advocate representing Sri Challa Gunaranjan, learned counsel for the respondents are present.

Sri K. Gopal Choudary, learned Counsel for some of the respondents and Sri M. Sridhar, Advocate representing Sri Challa Gunaranjan, learned counsel for the some other respondents in this batch of O.Ps submitted that in view of Judgment of the Hon'ble Supreme Court dated 29-11-2019 in C.A.No. 5085 of 2003 & batch, the O.Ps can be closed without any need for adjudication on merits, and however this order may be made subject to the outcome of the review petition to be filed before the Hon'ble Supreme Court. Sri P. Shiva Rao, learned Standing Counsel for the utility appearing for petitioners, also requested to close the petitions in view of the Judgment of the Apex Court, upholding the power this Commission to fix wheeling charges. As the issues raised in these OPs have been settled by the Hon'ble Supreme Court, the OPs are closed, however, subject to outcome of the proposed review petitions to be filed before the Hon'ble Supreme Court.

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O.P.Nos.1 to 5 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 P. Shiva Rao, learned Standing Counsel for the petitioner Sri K. Gopal Choudary & and Sri M. Sridhar, Advocate representing Sri Challa Gunaranjan, learned counsel for the respondents are present.

Sri K. Gopal Choudary, learned Counsel for some of the respondents and Sri M. Sridhar, Advocate representing Sri Challa Gunaranjan, learned counsel for the some other respondents in this batch of O.Ps submitted that in view of Judgment of the Hon'ble Supreme Court dated 29-11-2019 in C.A.No. 5085 of 2003 & batch, the

O.Ps can be closed without any need for adjudication on merits, and however this order may be made subject to the outcome of the review petition to be filed before the Hon'ble Supreme Court. Sri P. Shiva Rao, learned Standing Counsel for the utility appearing for petitioners, also requested to close the petitions in view of the Judgment of the Apex Court, upholding the power this Commission to fix wheeling charges. As the issues raised in these OPs have been settled by the Hon'ble Supreme Court, the OPs are closed, however, subject to outcome of the proposed review petitions to be filed before the Hon'ble Supreme Court.

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O.P. No. 76 of 2019

M/s Axis Wind Farms (Anantapur) Pvt. Ltd., M/s Axis Wind Farms (Rayalaseema) Pvt. Ltd and M/s Axis Energy Ventures India Pvt. Ltd. Vs. APSLDC, APTRANSCO, APSPDCL, Energy Department, GoAP, MNRE and SRLDC

Petition filed under Section 33(4) read with Section 86(1)(e), 86(1)(f), and 86(1)(i) of the Electricity Act, 2003, seeking various declaratory and substantive reliefs in respect of the arbitrary, illegal, and wrongful curtailment of generation from each of the first and second petitioners' 105 MW Wind Power Plants

Sri. P. Sri Raghuram, Sr. Counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the respondents 1 to 3 are present.

P. Shiva Rao, learned Standing Counsel for the respondents 1 to 3 requested for time for filing counter. The petitioner file rejoinder, if any, thereafter. Call along with O.P.No.61 of 2019 & I.A. No.20 of 2019 on 25-02-2020.

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MEMBER / PRM

Sd/-
CHAIRMAN

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MEMBER / PR