

Record of Proceedings Dated 11-10-2023

OP No. 62 of 2023

APCPDCL, APSPDCL, APEPDCL Vs. APPDCL

Petition filed under Section 86(1)(f) of the Electricity Act 2003, seeking for adjudication of the dispute relating to payment of Additional Fixed Charges to SDSTPS Stage-1 (2x800 MW) of APPDCL for absorbing the entire generation and considering the 90% contracted Capacity (1140 MW) as per PPA for payment of Fixed Charges, with effect from the CoD the Plant.

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

Heard. OP dismissed at the admission stage. (vide separate Order)

**Sd/-
MEMBER/PVRR**

**Sd/-
CHAIRMAN**

**Sd/-
MEMBER/TRS**

OP No. 63 of 2023

M/s. Narasimha Swamy Solar Power Pvt Ltd., Vs. APTRANSCO & APSPDCL

Petition filed under Section 42, 86(1)(e) read with Section 86(1)(f) of the Electricity Act, 2003 to declare the action of the respondent in delaying Open Access settlement Process; in reducing the banked energy and in only paying us 50% of the Average Pooled Power Purchase Cost for the unutilized banked energy as illegal, arbitrary and contrary to the A.P Solar Power Policy 2015 and, consequently, to direct the respondents not to levy demand any charges towards transmission and wheeling of solar power generated by the petitioner for its captive use; and also to direct the respondents to release the amount for the unutilized banked energy to the petitioner in accordance with the A.P. Solar Power Policy 2015 along with interest @12% per annum from the date the amount fell due to till the date of realisation.

Sri Y. Shreyas Reddy, counsel representing Sri N.V.Sumanth, learned counsel for the Petitioner; and Sri P.Shiva Rao, learned Standing Counsel for the respondent, are present at the hearing.

Sri P.Shiva Rao requested four weeks' time for filing counter. Time is, accordingly, granted.

Call on 15-11-2023.

Sd/-
MEMBER/PVRR

Sd/-
CHAIRMAN

Sd/-
MEMBER/TRS

OP No. 58 of 2023

M/s Jindal Urban Waste Management (Guntur) Ltd., Vs. APCPDCL

(Petition filed under Sections 62(1), 64, 86(1) of the Electricity Act, 2003, seeking determination of a tariff of Rs.7.16/- per unit or higher for the sale of electricity generated from the additional 5 MW Waste to Energy (WtE) power plant of the petitioner to the respondent in the duration of the PPA dated 06.02.2016)

Sri Viswanath Challa, counsel representing Sri S.Vivek Chandrasekhar, learned counsel for the Petitioner, and Sri P.Shiva Rao, learned Standing Counsel for the respondent, are present at the hearing.

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

Call on 15-11-2023.

Sd/-
MEMBER/PVRR

Sd/-
CHAIRMAN

Sd/-
MEMBER/TRS

OP No. 59 of 2023

M/s Indian Oil Corporation Ltd Vs. APSPDCL

(Petition filed under Section 86(1)(f) of the Electricity Act, 2003 R/w APERC (Conduct of Business) Regulations, 1999 seeking a direction to the respondent for releasing payment against the outstanding monthly invoices towards sale of wind energy along with interest/ delayed payment surcharge on such delayed payments, as per Articles 2.2 and 5.2 of the Power Purchase Agreements dated 08-05-2012, 31-03-2012, 21-03-2013 and 18-07-2014)

Sri Deepak Chowdary, counsel representing Sri Challa Gunaranjan, learned counsel for the Petitioner; Sri P.Shiva Rao, learned standing counsel for the respondent, are present at the hearing.

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

Call on 15-11-2023.

**Sd/-
MEMBER/PVRR**

**Sd/-
CHAIRMAN**

**Sd/-
MEMBER/TRS**

OP No. 60 of 2023

**Andhra Pradesh Power Generation Corporation Ltd., Vs. APSPDCL,
APEPDCL, APCPDCL**

(Petition filed by the Andhra Pradesh Power Generation Corporation Limited for approval of payment of the fuel cost adjustment of the variable cost beyond 15% for all the Thermal Power Stations of APGENCO during the periods of FY 2018- 2019-23 and to reset the base variable cost subject to price variation for FY 2023-24)

Sri Deepak Chowdary, counsel representing 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.

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

Call on 15-11-2023.

**Sd/-
MEMBER/PVRR**

**Sd/-
CHAIRMAN**

**Sd/-
MEMBER/TRS**

OP No. 53 of 2023 & IA No.1 of 2023

M/s Hindustan Petroleum Corporation Limited Vs. APEPDCL

(Petition filed under Section 86(1)(f) of the Electricity Act, 2003 R/w APERC (Conduct of Business) Regulations, 1999 seeking a declaration that the Petitioner is not liable to pay Grid Support Charges for the FY 2002-03 to FY 2008-09)

Sri Deepak Chowdary, counsel representing Sri Challa Gunaranjan, learned counsel for the Petitioner; Sri P.Shiva Rao, learned standing counsel for the respondent, are present at the hearing.

Sri Deepak Chowdary submitted that rejoinder will be filed in one week.

Call on 22-11-2023.

**Sd/-
MEMBER/PVRR**

**Sd/-
CHAIRMAN**

**Sd/-
MEMBER/TRS**

Revision petition No.1 of 2023

M/s National Highways Authority of India Vs. Sri. K. Rama Rao & 2 Others

(Revision Petition filed under Section 13(2) of AP Works of Licensees Rules 2007 against the orders passed by District Collector & District Magistrate, NTR District, in Rc.coord-3/977/2022 dt. 23-11-2022)

Revision petition No. 2 of 2023

M/s National Highways Authority of India Vs. Sri. M. Sethu Narayana Rao, & 11 Others

(Revision Petition filed under Section 13(2) of AP Works of Licensees Rules 2007 against the orders passed by District Collector & District Magistrate, NTR District, Rc.coord-3/977/2022 dt. 23-11-2022)

Revision petition No. 3 of 2023

M/s National Highways Authority of India Vs. Sri.V.Chalapathi Rao, & 16 Others

(Revision Petition filed under Section 13(2) of AP Works of Licensees Rules 2007 against the orders passed by District Collector & District Magistrate, NTR District, Rc.coord-3/977/2022 dt. 23-11-2022)

Revision petition No. 4 of 2023

M/s National Highways Authority of India Vs. Smt. B.Prabhavathi & 4 Others

(Revision Petition filed under Section 13(2) of AP Works of Licensees Rules 2007 against the orders passed by District Collector & District Magistrate, NTR District, Rc.coord-3/977/2022 dt. 23-11-2022)

Revision petition No. 5 of 2023

M/s National Highways Authority of India Vs. Sri. B.Kishore Reddy & 11 Others

(Revision Petition filed under Section 13(2) of AP Works of Licensees Rules 2007 against the orders passed by Joint District Collector & Additional District Magistrate, NTR District, Rc.coord-1981/Coordin-7/kco dt. 10-10-2022)

Revision petition No. 6 of 2023

M/s National Highways Authority of India Vs. Sri. A.Ammi Reddy & 37 Others

(Revision Petition filed under section 13(2) of AP Works of Licensees Rules 2007
against the orders passed by District Collector & District Magistrate NTR District
Rc.coord-3/977/2022 dt. 23-11-2022)

None appeared on behalf of the Petitioner in all Revision Petitions. Sri P.Somasekhara Naidu, learned counsel for Respondents 1 & 2 in Revision Petition No. 2 of 2023; Sri G.Prabhakar Reddy-respondent No. 5 in Revision Petition No.5 of 2023; Sri A.Madhusudhan Reddy, S/o A.Ammi Reddy, respondent No.1 in Revision petition No.6 of 2023; and Sri P.Shiva Rao; learned Standing Counsel for APTRANSCO are present at the hearing.

Proof of publication is not filed. A memo has been filed on behalf of the petitioner, whereby one more month's time is sought for filing proof of publication of the Public Notice. Though none represented the petitioner at the hearing, considering the fact that the Revision Petitions are required to be disposed of on merits, for which purpose notice to all the respondents is necessary, we are inclined to adjourn the case by one month finally. If proof of publication is not filed within one month from today, the Revisions Petitions will stand dismissed automatically.

Call on 22-11-2023.

**Sd/-
MEMBER/PVRR**

**Sd/-
CHAIRMAN**

**Sd/-
MEMBER/TRS**

OP No. 18 of 2022

M/s.Vayu Urja Bharat Pvt Ltd., Vs. APSPDCL

OP No. 113 of 2021

M/s Vayu (India) Power Corporation Ltd Vs. APTRANSCO, APPCC & APSPDCL

OP No. 3 of 2022

New Era Enviro Venture (Mahabubnagar) Pvt. Ltd., Vs. APSPDCL

OP No. 4 of 2022

M/s Aeolus Wind Parks Pvt. Ltd. Vs. APSPDCL & APPCC

OP No. 5 of 2022**M/s Danu Wind Parks Private Limited Vs. APSPDCL & APPCC****OP No. 6 of 2022****M/s Danu Wind Parks Private Limited Vs. APSPDCL & APPCC****OP No. 7 of 2022****M/s Dindore Wind Parks Private Limited Vs. APSPDCL & APPCC****OP No. 8 of 2022****M/s Fujin Wind Parks Private Limited Vs. APSPDCL & APPCC****OP No. 12 of 2022****M/s Palnadu Solar Power Pvt Ltd., Vs. APCPDCL & APPCC****OP No. 22 of 2022****M/s Vayu Urja Bharat Pvt Ltd.,Vs. APSPDCL****OP No. 89 of 2021****M/s. Mytrah Vayu (Pennar) Private Limited Vs. APSPDCL & APPCC****OP No. 64 of 2021****M/s. Khandke Wind Energy Pvt Ltd Vs. APSPDCL****OP No. 30 of 2020****M/s. Tadas Wind Energy Pvt. Ltd Vs. APSPDCL**

(Petitions filed under sections 86(1)(f) and (e) of the Electricity Act, 2003, read with Clause-8 of the Andhra Pradesh Electricity Regulatory Commission (Conduct of Business) Regulations, 1999 (as Amended), read with Article 5 and Clause 5.2 of the Power Purchase Agreements (PPAs) entered into between the petitioners and APSPDCL, seeking directions to APSPDCL for expeditiously releasing the payments due and payable to the Petitioners/Applicants by APSPDCL under the PPA towards Late Payment Surcharge (LPS))

Sri Aniket Prasoon, learned counsel representing the petitioners in OP Nos.113 of 2021 and 18 and 22 of 2022; Sri V.Akshaya Babu, learned counsel representing the Petitioners in OP Nos.3 of 2022, 30 of 2020 and 64 of 2021; Sri Challa Viswanath, counsel representing Sri S.Vivek Chandrasekhar, learned counsel for the Petitioners in OP No.4,5,6,7 and 8 of 2022; Sri Challa Gunaranjan, learned counsel assisted by Sri Deepak Chowdary, learned counsel for the Petitioners, in OP Nos.12 of 2022 and 89 of 2021; and Sri P.Shiva Rao, learned Standing Counsel for the respondents, are present at the hearing.

Heard Sri Aniket Prasoon, Sri Challa Gunaranjan and Sri V.Akshaya Babu, learned counsel for the petitioners appearing in the respective OPs.

Sri P.Shiva Rao, learned Standing Counsel for the respondents, requested an adjournment, for his Senior Counsel engaged in this case to make his submissions.

Call on 29-11-2023. It is made clear that these cases will not be adjourned for any reason on that date.

**Sd/-
MEMBER/PVRR**

**Sd/-
CHAIRMAN**

**Sd/-
MEMBER/TRS**

OP No. 33 of 2022

APTRANSCO Vs. M/s Bharath Wind Farms Ltd.& others

(Petition filed against the non-conventional energy developers, such as, wind, biomass, bagasse, mini hydel etc., entered into "Power Wheeling and Purchase Agreement", (PWPA) with the Petitioner at 33KV grid level, for non-payment of transmission charges)

Sri P.Shiva Rao, learned Standing Counsel for the petitioner; Sri Deepak Chowdary, learned counsel for respondents 9 and 10 and also representing Sri K.Gopal Chowdary, learned counsel for the Respondents Nos.8 & 18; Sri Anand Hitesh, learned counsel for respondents No.2; Ms. Altaf Fathima, learned counsel for Respondents No.17; Smt G.Malathi, learned counsel for Respondent No.11 are present at the hearing.

On a further request is made by Sri P.Shiva Rao, call on 29-11-2023 for hearing.

**Sd/-
MEMBER/PVRR**

**Sd/-
CHAIRMAN**

**Sd/-
MEMBER/TRS**

OP No. 117 of 2021

**Hindupur Solar Park Pvt. Ltd., Vs. APSLDC & SPDCL
and**

OP No. 118 of 2021

Hindupur Solar Park Pvt. Ltd., Vs. APSLDC & SPDCL

(Petitions filed under Section 33(4) r/w Sections 86(1)(e), (f) & (k) of the Electricity Act, 2003
challenging the alleged wrongful curtailment of power of the petitioner by
APSLDC/Respondent No.1 and sought appropriate orders, *inter alia*, against the
Respondents not to issue curtailment instructions and direct them to pay the amounts due
towards deemed generation)

Sri Sarath Chandupatla, counsel representing Sri Hemant singh,
learned counsel for the petitioner; Sri P.Shiva Rao, learned Standing Counsel
for the respondents, are present at the hearing.

A further time for filing response to the data furnished by the
respondents is sought by the learned counsel for the petitioner.

Call on 13-12-2023.

**Sd/-
MEMBER/PVRR**

**Sd/-
CHAIRMAN**

**Sd/-
MEMBER/TRS**