

Record of Proceedings Dated 29-11-2023

OP No. 66 of 2023

M/s. Natems Solar Power Private Limited Vs. APSPDCL, APSLDC

(Petition under Section 86(1)(f) of the Electricity Act, 2003 for adjudication of dispute arising from the arbitrary, unfair, and illegal actions of the Respondents in - (a) coercing the Petitioner in submitting the Impugned Undertakings dated 31.08.2020, 31.05.2021 and 28.12.2021 and thereby depriving the Petitioner of its statutory right to receive compensation for over-injection; (b) seeking payment of UI Charges for under-injection by way of the Impugned Memos and the Impugned Bill instead of providing a net-off of over and under-injection charges; (c) wrongfully levying of extra 5% deviation charge for under-injection for the period from 01.01,2021 to 30.09.2021 and 01.11.2021 to 30.04.2022 In contravention of the 2017 RE Deviation Regulations; and (d) threatening disconnection of the Petitioner's Solar Project by way of the Impugned Bill, the same being in blatant contravention of the APERC (Terms and Conditions of Open Access) Regulation, 2005 and APERC Forecasting, Scheduling and Deviation Settlement of Solar and Wind Generation Regulation, 2017 and resulting in undue financial hardship to the Petitioner)

IA No. 1 of 2023

Application under Section 94(2) R/w. Section 86(l)(f) of the Electricity Act, 2003 R/w. APERC (Conduct of Business) Regulations 1999, seeking interim relief with respect to the demand and payment in the CC Bill for UI Charges for the month of October, 2023 for under-injection, and, failing which, threatening to disconnect the petitioner's unit from the grid.

OP No. 66 of 2023

Ms. Mazag Andrabi, 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 four week's time for filing counters. Time is, accordingly, granted.

Call on 03-01-2024.

IA No.1 of 2023

This application is filed for a direction to the respondents not to disconnect the petitioner's unit for non-payment of under-injection charges.

Considering the fact that the petitioner has given repeated undertakings not to claim over-injection charges and the further fact that the petitioner has been continuously paying under-injection charges in the past, we are not inclined to grant *ad interim ex parte* injunction. Instead, the respondents are permitted to file a counter affidavit.

Four week's time is, accordingly, granted. Meanwhile, any payment towards under-injection shall be subject to further orders.

Call on 03-01-2024.

**Sd/-
CHAIRMAN**

**Sd/-
MEMBER/TRS**

OP No. 67 of 2023

M/s. NSL Textiles Limited Vs. APCPDCL and others

(Petition filed under Section 142 of the Electricity Act, 2003 r/w Regulation 55 of the APERC (Conduct of Business) Regulations, 1999 for non-compliance and violation of Clause 3.2.2.1 of the General Terms and Conditions of Supply of Distribution and Retail Supply Licensees in Andhra Pradesh).

Sri Challa Gunaranjan, learned Counsel for the Petitioner; and Sri P.Shiva Rao, learned Standing Counsel for the respondents, are present at the hearing.

Heard Sri Challa Gunaranjan and Sri P.Shiva Rao.

A perusal of the record, *prima facie*, reveals that the respondents have acted in blatant violation of the General Terms and Conditions approved by this Commission as well as the extant Tariff Orders, inasmuch as a consumer is entitled to avail supply at 33 KV voltage even if his contracted demand exceeds 5000 KVA upto 10000 KVA, provided technical feasibility is found to exist.

In the instant case, on 05-2-2019 the Chief Engineer in his letter addressed to the Executive Director (Operation/APSPDCL), Tirupati, categorically informed that the proposal of release of additional demand of 300 KVA over and above 5000 KVA is technically feasible. Following the same, the Executive Director (Operation), vide: letter dated 12-3-2019, has granted technical feasibility and, accordingly, additional demand was released.

In view of these undeniable facts, levying Voltage Surcharge is, *prima facie*, in flagrant violation of the General Terms and Conditions of Supply as well as the Tariff Orders governing the relevant period.

Hence, all the respondents are directed to be personally present to explain their seemingly high handed conduct.

Call on 03-01-2024.

**Sd/-
CHAIRMAN**

**Sd/-
MEMBER/TRS**

OP No. 68 of 2023

Vibrant Greentech India Private Limited., Vs. APSPDCL

(Petition 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 on such delayed payments as per Articles 2.2, 5.1 & 5.2 and a consequential direction to issue a Letter of Credit as per Article 5.3 and 5.4 of the Power Purchase Agreement ("PPA") dated 18.06.2011 and Amendment PPA dated 07.02.2017).

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.

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

Call on 03-01-2024.

**Sd/-
CHAIRMAN**

**Sd/-
MEMBER/TRS**

OP No. 69 of 2023

M/s. Vibrant Greentech India Private Limited., Vs. APSPDCL and others

(Petition filed under Section 142 of the Electricity Act, 2003 r/w. Regulation 55 of the APERC (Conduct of Business) Regulation, 1999 for violating and disobeying the orders passed by this Hon'ble Commission dated 05.07.2021 in O.P. No. 09 of 2020)

Sri Deepak Chowdary, counsel representing Sri Challa Gunaranjan, learned Counsel for the Petitioner; and Sri P.Shiva Rao, learned Standing Counsel for the respondents, are present at the hearing.

At the hearing, Sri P.Shiva Rao, submitted that yesterday a sum of Rs.3.00 Crores have been paid and the entire balance amount will be paid within the next one week.

In the light of this submission, the OP is adjourned to 03-01-2024 for reporting compliance.

**Sd/-
CHAIRMAN**

**Sd/-
MEMBER/TRS**

OP No. 70 of 2023

M/s. Apple Industries Limited Vs. APSLDC

(Petition filed under Section 86(1)(e) of the Electricity Act, 2003 R/w Clause 9 of the APERC Renewable Power Purchase Obligation (Compliance by Purchase of Renewable Energy/Renewable Energy Certificates) Regulations, 2017 (Regulation 1 of 2017) and APERC Renewable Power Purchase Obligation (Compliance by Purchase of Renewable Energy/Renewable Energy Certificates) Regulations, 2022 (Regulation 5 of 2022) to exempt the Petitioner-company from the Renewable Power Purchase Obligation (RPPO).

Sri Deepak Chowdary, counsel representing Sri Challa Gunaranjan, learned Counsel for the Petitioner; and Sri P.Shiva Rao, learned Standing Counsel for the respondents, are present at the hearing.

OP is allowed to the extent indicated therein (vide: separate order).

**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., who entered into "Power Wheeling and Purchase Agreements", (PWPAs) with the Petitioner at 33 KV grid level, seeking a direction to pay the transmission chargers on the basis of the invoices raised by the petitioners as per the APERC Tariff Orders and Regulations along with interest from 2004 onwards).

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.

OP is closed, vide: separate order.

**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 by APSPDCL under the PPA towards Late Payment Surcharge (LPS)

Sri K.G.Raghavan, learned Senior Counsel assisted by Sri Aditya Narayan, Advocate and Sri V Akshaya Babu, learned counsel for the petitioners in OP No. 93 to 101 of 2021 batch; Sri Aniket Prasoon, learned counsel for the petitioners in OP Nos.18 and 22 of 2022 and also representing the learned counsel for the petitioner in OP No.113 of 2021; Sri V.Akshaya Babu, learned counsel for the Petitioners in OP Nos.3 of 2022 and also representing the learned counsel for the petitioners in OP Nos.30 of 2020 and 64 of 2021; S.Vivek Chandrasekhar, learned counsel for the Petitioners in OP

No.4,5,6,7 and 8 of 2022; Sri Challa Gunaranjan, counsel representing Sri Deepak Chowdary, learned counsel for the Petitioner 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.

The respondents filed a memo dated 24-11-2023, wherein - while stating that nine of the Developers have filed Contempt Cases before the Honourable High Court of A.P., for the alleged non-compliance of the orders passed by the High Court relating to LPS and the respondents are proposing to commence a fresh round of negotiations by the intervention of the Government of Andhra Pradesh - a request is made to defer the hearing of these matters till the first week of January, 2024.

Sri K.G.Raghavan, learned Senior Counsel, Sri Aniket Prasoon, S.Vivek Chandrasekhar and Sri Challa Gunaranjan vehemently opposed this request. However, considering the fact that the respondents have shown keenness for a negotiated settlement, due to the intervention by the Government of Andhra Pradesh, we are inclined to grant one more chance to the respondents for settling the dispute with the Developers.

Accordingly, the OPs are adjourned to 10-01-2024. It is made clear that if settlement is not reported on that date, the respondents shall proceed with the case without seeking any further adjournment.

Sd/-
CHAIRMAN

Sd/-
MEMBER/TRS