

CAMP COURT AT APERC CAMP OFFICE, VISAKHAPATNAM

Record of Proceedings Dated 04-11-2023

OP No. 25 of 2023

APEPDCL

(Petition filed by APEPDCL under Section 86(1)(e) and Section 61 & 66 of the Electricity Act 2003 read with Clause-54 of the APERC (Conduct of Business) Regulations, 1999 (Regulation 2 of 1999) and read with Clause-10 of Regulation 1 of 2017 requesting the Commission to grant more time to meet the Leftover RPPO for the years from 2012-13 to 2018-19 stipulated under APERC Regulation Nos.1 of 2012 and 1 of 2017 for APEPDCL.)

Sri P.Shiva Rao, learned Standing Counsel for the petitioner-DISCOM,
is present at the hearing.

Heard. Orders reserved.

**Sd/-
MEMBER/PVRR**

**Sd/-
CHAIRMAN**

**Sd/-
MEMBER/TRS**

OP No. 59 of 2021

APEPDCL, APSPDCL & APCPDCL Vs. GVK Industries Ltd & three others

(Petition filed u/s 86(1)(f) of the Electricity Act, 2003 r/w Clause-55 of the APERC (Conduct of Business) Regulations 1999 in the matter of Buy-out of GVK Stage-I project by APDISCOMs - Non-execution of sale deed by respondent-GVK - Seeking direction to the respondent-GVK to execute registered sale deed transferring the entire land together with assets of GVK Phase-I in favour of APDISCOMs etc., and resolution of the disputes between the parties.

Sri P.Shiva Rao, learned Standing Counsel for the DISCOMs and Sri Ramesh Prasad, Director (Operations) of the APEPDCL are present at the hearing. None represented either the respondent or the Official Liquidator.

Sri P.Shiva Rao and Sri Ramesh Prasad submitted that due to the issues involved in payment of huge amounts, such as GST, Stamp Duty etc., the matter is getting delayed. When the Commission pointed out that the

petitioner shall not fritter away the great advantage on account of acceptance of the proposal for registration of the property by the Liquidator by dragging the matter, the learned Standing Counsel as well as the Director (Operations) agreed to file a memo undertaking to complete the process within the prescribed time line. The Commission suggested that the entire process shall be completed within 30 days from today.

The learned Standing Counsel agreed to file a memo to this effect. The case is, accordingly, adjourned to a date which will be intimated later for reporting completion of the process.

**Sd/-
MEMBER/PVRR**

**Sd/-
CHAIRMAN**

**Sd/-
MEMBER/TRS**

OP No. 2 of 2023

M/s. Rain CII Carbon (Vizag) Ltd Vs. APEPDCL

(Petition filed under Section 86(1)(f) of the Electricity Act, 2003 r/w the APERC (Conduct of Business) Regulations, 1999 seeking to declare the action of the respondent i.e. APEPDCL, in levying Grid Support Charges on the Petitioner (a non-Captive Generation Power Plant) as illegal, arbitrary and against the Laws in force, and consequently direct that the Petitioner is not liable to pay Grid Support Charges for the Financial Year 2002-03 to the Financial Year 2008-09 as demanded by APEPDCL)

Ms.Shagupta, counsel representing Sri S.Vivek Chandra Sekhar, learned counsel for the petitioner and Sri Sri P.Shiva Rao, learned Standing Counsel for the respondent are present at the hearing.

A memo has been filed on behalf of the petitioner, wherein it is stated that as the arguing counsel is unable to attend the hearing due to certain unavoidable circumstances, the case may be adjourned.

At the hearing, Ms.Shagupta, learned counsel representing the

petitioner, requested an adjournment. Accordingly, the case is adjourned.

The date and venue of the next hearing will be intimated later.

**Sd/-
MEMBER/PVRR**

**Sd/-
CHAIRMAN**

**Sd/-
MEMBER/TRS**

OP No. 21 of 2020 & I.A.No.1 of 2022
M/s. Tata Power Renewable Energy Limited
Vs.
APSPDCL, APSLDC & APTRANSCO

(Petition filed under Section 86(1)(f) of the Electricity Act 2003 seeking a direction to the respondents for treating the loss of generation of Rs. 68.39 Crores as computed till May 2020 on account of curtailment of power as a deemed generation by the Petitioner/ TPREL and to direct Respondent No.1 to make payment for the said Deemed Generation Charges.

Sri Suhael Buttan and Ms.Himangi, counsel representing Mr. Shri Venkatesh, learned counsel for the petitioner; and Sri P.Shiva Rao, learned Standing Counsel for the respondents, are present at the hearing.

Sri Suhael Buttan submitted that Mr. Shri Venkatesh, the learned arguing counsel for the petitioner, is unable to attend the hearing due to personal inconvenience and requested an adjournment. The case is, accordingly, adjourned.

The date and venue of the next hearing will be intimated later.

**Sd/-
MEMBER/PVRR**

**Sd/-
CHAIRMAN**

**Sd/-
MEMBER/TRS**

OP No.3 of 2023 & IA No. 1 of 2023

M/s Vish Wind Infrastructure LLP Vs. APSPDCL & two other
(Petition under Section 86(1)(e) and (f) of the Electricity Act, 2003 read with Article 2.2, 5 and 9 of the PPA seeking a direction against Respondents for issuance of No Objection Certificate in order to enable the Petitioner to sell the Power through Open Access.)

OP No.13 of 2023 & IA No. 1 of 2023

M/s Vaayu (India) Power Corporation Pvt. Ltd. Vs. APSPDCL, APTRANSCO, APPCC
(Petition under Section 86(1)(e) and (f) of the Electricity Act, 2003 read with Article 2.2, 5 and 9 of the PPA seeking directions against Respondents for issuance of No Objection Certificate in order to enable the Petitioner to sell the Power through Open Access)

OP No. 32 of 2023

APSPDCL Vs. M/s. Vayu (India) Power Corporation Pvt. Ltd.,
(Petition under section 86(1) (f) of electricity Act 2003 read with Clause-9 of the APERC (Conduct of Business) Regulations 1999, seeking a declaration that the notices dt. 11-1-2023 and 01-3-2023 terminating the PPAs dt: 30-10-2010 and three other in mid course by the generator, as illegal and void.)

&

OP No. 33 of 2023

APSPDCL Vs. M/s. Vish Wind Infrastructure LLP
(Petition under section 86(1) (f) of electricity Act 2003 read with Clause-9 of the APERC (Conduct of Business) Regulations 1999, seeking a declaration that the notice dt 02-12-2022 terminating the PPAs dt: 30-10-2010 and three other in mid course by the generator, as illegal and void.)

Sri Suhael Buttan and Ms.Himangi, counsel representing Mr. Shri Venkatesh, leaned counsel for the petitioners in OP Nos.3 and 13 of 2023 and respondents in OP Nos.32 and 33 of 2023; and Sri P.Shiva Rao, learned Standing Counsel for the respondents in OP Nos.3 and 13 of 2023 and petitioners in OP Nos.32 and 33 of 2023 are present at the hearing.

Both the learned counsel advanced their submissions and requested to permit them to file short written submissions not exceeding

two pages along with citations, if any, in support of their respective submissions. Two weeks' time is, accordingly, granted.

Orders reserved.

**Sd/-
MEMBER/PVRR**

**Sd/-
CHAIRMAN**

**Sd/-
MEMBER/TRS**

OP No. 12 of 2023

M./s. Walwhan Renewable Energy Ltd Vs. APSPDCL, APSLDC, APTRANSCO

(Petition filed under Section 86(1)(e) read with 86(1)(f) of the Electricity Act, 2003 seeking appropriate directions and orders to be passed qua the Respondent No.1, i.e. APSPDCL and other contesting Respondents *to compensate the Petitioner for the actual loss of revenue suffered by it on account of frequent and rampant backing down instructions given to the Petitioner on account of the inadequacy of Transmission System and alleged grid safety issues.*)

Sri Suhael Buttan and Ms.Himangi, counsel representing Sri Shri Venkatesh, learned counsel for the petitioner; and Sri P.Shiva Rao, learned Standing Counsel for the respondents, are present at the hearing.

Sri Suhael Buttan submitted that the respondents have submitted a data along with a memo, with reference to which he is filing the petitioner's response. Office shall take the same on record.

The date and venue of the next hearing will be intimated later.

**Sd/-
MEMBER/PVRR**

**Sd/-
CHAIRMAN**

**Sd/-
MEMBER/TRS**