

**Record of Proceedings Dated 15-11-2023**

**OP No. 64 of 2023**

**M/s. Adani Renewable Energy Devco Private Limited Vs. APSPDCL, APPCC**

(Petition filed under Section 86(1)(a), (b) & (f) of the Electricity Act, 2003 r/w. Article 11 of the Power Purchase Agreement dated 29.06.2018 entered into between the Petitioner and APSPDCL-Respondent No.1, seeking a direction to Respondent No.1 to pay a sum due and payable against interest on delayed payment, amounting to Rs.29.52,552/-, under the said Power Purchase Agreement for the sale of power generated by the Petitioner's Solar Power Plant.

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Sri Sakya Singha Chaudhuri, learned Senior Counsel assisted by Sri B.V.N. Sai Charan, 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 time for filing counter. Three weeks' time is, accordingly, granted.

Call on 13-12-2023.

Sd/-  
**MEMBER/PVRR**

Sd/-  
**CHAIRMAN**

Sd/-  
**MEMBER/TRS**

**OP No. 65 of 2023**

**M/s. Balaji Energy Pvt. Ltd Vs. APSPDCL**

(Petition filed under Section 62 of the Electricity Act, 2003 seeking a direction to fix the tariff for the Petitioner's MHPP from the 11th Year of Operation in pursuance of the order passed by the Hon'ble High Court of Andhra Pradesh dated 10-07-2023 in W.P.No. 20728 of 2016)

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Sri S.Ravi, learned Senior Counsel, assisted by Sri M. Naga Deepak, learned counsel for the Petitioner; and Sri P.Shiva Rao, learned Standing Counsel for the respondent, are present at the hearing.

Since the issue relates to fixation of tariff from 11th year onwards, it requires to be placed in Public domain. Accordingly, the petitioner shall carry out publication of this petition in two newspapers one in Sakshi (Telugu) and the other in Deccan Chronicle (English) of Andhra Pradesh Editions.

Call on 20-12-2023 for filing proof of publication.

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 respondents in delaying Open Access settlement Process; in reducing the banked energy and in only paying 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 or 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)

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Mrs. Rashhmi G. Kamath, counsel representing Sri N.V.Sumanth, 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 submitted that separate counter-affidavits are being filed today on behalf of respondents 1 and 2.

Mrs. Rashhmi G. Kamath requested time for filing rejoinder.

Call on 13-12-2023.

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 and supplied to the respondent in the duration of the PPA dated 06.02.2016)

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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.

Since the issue relates to fixation of tariff, it requires to be placed in Public domain. Accordingly, the petitioner shall carry out publication of this petition in two newspapers one in Sakshi (Telugu) and the other in Deccan Chronicle (English) of Andhra Pradesh Editions.

Call on 27-12-2023 for filing proof of publication.

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)

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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 requested further time for filing rejoinder.

Call on 13-12-2023.

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)

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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.

Rejoinder is filed.

Since the issue relates to fixation of tariff, it requires to be placed in Public domain. Accordingly, the petitioner shall carry out publication of this petition in two newspapers one in Sakshi (Telugu) and the other in Deccan Chronicle (English) of Andhra Pradesh Editions.

Call on 27-12-2023 for filing proof of publication.

Sd/-  
**MEMBER/PVRR**

Sd/-  
**CHAIRMAN**

Sd/-  
**MEMBER/TRS**

**OP No. 1 of 2022**

**M/s. Greenko Uravakonda Wind Power Pvt. Ltd., Vs. APSPDCL**

(Petition filed under Section 86(1)(e) & (f) of the Electricity Act, 2003 R/w Clause-55 of the APERC (Conduct of Business) Regulations, 1999 seeking directions to the Respondent, among other things, for payment of the outstanding dues and Late Payment Interest in terms of Articles 5.2 & 5.3 of the PPA).

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**OP No. 2 of 2022**

**M/s Greenko Anantapur Wind Power Pvt. Ltd., Vs. APSPDCL**

(Petition filed under Section 86(1)(e) & (f) of the Electricity Act, 2003 R/w. Clause 55 of the APERC (Conduct of Business) Regulations, 1999 seeking directions to the Respondent, among other things, for payment of the outstanding dues and Late Payment Interest in terms of Articles 5.1, 5.2 & 5.3 of the PPA.)

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Sri Raghavendra Sudheer, Senior Manager (Legal), representing Sri V.Akshaya Babu, learned counsel for the petitioners; and Sri P.Shiva Rao, learned Standing Counsel for the Respondent, are present at the hearing.

Sri Raghavendra Sudheer requested an adjournment.

Sri P.Shiva Rao submitted that, at the instance of the State Government, the respondent has initiated the process for a negotiated settlement in respect of the LPS; and requested four weeks' time for reporting the result of the negotiations.

Call on 27-12-2023 for reporting the outcome of the negotiations.

Sd/-  
**MEMBER/PVRR**

Sd/-  
**CHAIRMAN**

Sd/-  
**MEMBER/TRS**

**OP No. 70 of 2022**

**M/s Bharat Heavy Electrical Ltd., Vs. APTRANSCO & Ors**

(Petition filed under Section 86(1)(f) of the Electricity Act 2003 for recovery of a sum of Rs.1,90,31,273/- (Rupees One Crore, Ninety Lakhs, Thirty One Thousand, Two Hundred and Seventy Three only) together with interest at 10% per annum towards the amount due under Invoice dated 07/12/2019 issued in respect of the 3 MW power for 6012440 Units injected between April, 2016 to November, 2019 to the respondents at its Inter-connection point based on the collective Joint Meter reading.)

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Smt. G.Malathi, learned counsel for the petitioner; and Sri P.Shiva Rao, learned Standing Counsel for the Respondents, are present at the hearing.

The learned counsel for the petitioner requested an adjournment.

Call on 27-12-2023.

Sd/-  
**MEMBER/PVRR**

Sd/-  
**CHAIRMAN**

Sd/-  
**MEMBER/TRS**

**OP No. 27 of 2023**

**M/s Balaji Energy Pvt. Ltd. Vs. APSPDCL, APTRANSCO & APPCC**

(Petition filed under Section 86(1)(f) read with 86(1)(k) of the Electricity Act 2003 read with Clause-55 of the APERC (Conduct of Business) Regulations 1999 seeking to declare the action of respondents 1 and 2 in not considering the Actual Generation during the month as Scheduled Energy at the time of settlement of Petitioner's Account with its O.A. Consumer as being void, illegal, arbitrary and contrary to the provisions of the Electricity Act, 2003 and Open Access Regulations dated 2-6-2006; and, consequently, to direct the respondents to pay an amount of Rs.2,48,79,546/- (for 2x 4 MW) to the petitioner along with 12% interest at quarterly rests for the period from October 2019, November

2019, December 2019, April 2020, May 2020 and June 2020 in respect of the power drawn and for the quantity deducted and not accounted for at the time of settlement)

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**OP No. 28 of 2023**

**M/s Balaji Energy Pvt. Ltd, Vs. APSPDCL, APTRANSCO & APPCC**

(Petition filed under Section 86(1)(f) read with 86(1)(k) of the Electricity Act 2003 read with Clause-55 of the APERC (Conduct of Business) Regulations 1999 seeking to declare the action of the respondents 1 and 2 in not considering the Actual Generation during the month as Scheduled Energy at the time of settlement of Petitioner's Account with its O.A. Consumer as being void, illegal, arbitrary and contrary to the provisions of the Electricity Act, 2003 and Open Access Regulations dated 2-6-2006; and, consequently, direct the respondents to pay an amount of Rs.28,76,193/- (for 2x 1.5 MW) to the petitioner along with 12% interest at quarterly rests for the period October 2019, November 2019, December 2019, April 2020, May 2020 and June 2020 in respect of the power drawn and for quantity deducted and not accounted for at the time of settlement)

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Sri S.Ravi, learned Senior Counsel, assisted by Sri M. Naga Deepak, learned Counsel for the petitioner; and Sri P.Shiva Rao, learned Standing Counsel for the respondents; are present at the hearing.

A separate Memo dated 01-11-2023 has been filed on behalf of the petitioner, wherein the petitioner has, *inter alia*, stated that the unaccounted units for 2x4 MW MHPP are 43,19,102 units. However, when it was pointed out, during the hearing, that both the parties have signed the Officer's report, wherein the energy injected into the Grid from both the Units together on the dates when the plant did not supply power to IEX were 18,58,147 KWH, Sri S.Ravi, learned Senior Counsel for the petitioner, submitted that the petitioner's Memo dated 01-11-2023 to the extent of the injected energy into the Grid may be ignored and the jointly signed Report of the Officer of the Commission may be taken into consideration as true and correct.

As regards the question - whether the petitioner is entitled to payment for the un-utilized energy injected into the Grid? - Sri S.Ravi, the learned Senior Counsel, requested an adjournment.

Call on 13-12-2023.

Sd/-  
**MEMBER/PVRR**

Sd/-  
**CHAIRMAN**

Sd/-  
**MEMBER/TRS**

**OP No. 64 of 2022**

**M/s.APEPDCL and APSPDCL Vs. M/s.Spectrum Power Generation Ltd.,**

(Petition filed U/Sec 86(1)(f) of the Electricity Act 2003 read with Clause-55 of the APERC (Conduct of Business) Regulations, 1999 to determine the Tariff for procurement of power from M/s Spectrum Power Generation Limited (208 MW Combined Cycle Gas based Power Project) during the FY 2016-17).

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Sri P. Shiva Rao, learned standing counsel for the Petitioners; and Sri S.Ravi, learned Senior Counsel assisted by Sri M.Naga Deepak, learned counsel for the Respondent; are present at the hearing.

Heard both sides. Both the counsel requested a week's time for filing their brief written submissions. Time is, accordingly, granted.

Orders reserved.

Sd/-  
**MEMBER/PVRR**

Sd/-  
**CHAIRMAN**

Sd/-  
**MEMBER/TRS**