

Record of Proceedings Dated. 06-03-2024

OP No.2 of 2024

APEPDCL, APSPDCL & APCPDCL Vs. APGENCO

Petition filed for Granting consent for extending the existing composite PPA for old stations of APGENCO (Dr.NTTPs Stage-1, II, III, RTPP Stage-1 and Hydel Plants)

Sri P.Shiva Rao, learned Standing Counsel for the Petitioner; and Sri K.Gopal Chowdary, learned Standing Counsel for the Respondent are present at the hearing.

Publication has been made by petitioner No.3-APCPDCL calling for objections. No objections have been received.

Heard. OP allowed (vide separate order)

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

(**OP No. 53 of 2023:** 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)

(**IA No.1 of 2023:** Petition filed under Section 94(2), r/w. Section 86(1)(f) of the Electricity Act, 2003 to direct the respondents not to take any coercive steps, including that of disconnection of power supply to the petitioner's HT SC No.VSP-005, pursuant to the demand notices issued by the respondent)

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.

On 21-2-2024 this Commission proposed reference of the dispute to an Arbitrator. At the hearing, the learned counsel both sides submitted that so far they could not identify suitable Arbitrators. However, on reconsideration, this Commission feels that one of the Officers of this Commission, who has experience in this regard, is to be deputed for inspection and submit a report whether the Gas Turbine Generating Units 1 to 4 installed by the petitioner have taken Grid Support at the relevant period ie., till April, 2016.

Accordingly, Sri D.Ramanaiah Setty, Joint Director (Tariff & Engineering) of this Commission is appointed as the Inspecting Officer to inspect and submit a report after due notice to both sides. Such a report shall be submitted within one month from today.

The petitioner shall make appropriate arrangements for travel and stay of the Inspecting Officer.

Call on 08-5-2024.

Sd/-
MEMBER/PVRR

Sd/-
CHAIRMAN

Sd/-
MEMBER/TRS

OP No. 54 of 2023 & IA No.1 of 2023
M/s. Sree Lalitha Parameshwari Mills Pvt Ltd.

Vs.

APTRANSCO, APCPDCL and APSPDCL

(Petition filed under Section 86(1)(e) and 86(1)(f) of the Electricity Act, 2003 to declare the action of the respondents in unilaterally levying and demanding amounts towards transmission and wheeling charges for wheeling of power generated from the petitioner's Solar Power Plant as illegal, arbitrary and contrary to the A.P. Solar Power Policy, 2015 enunciated in GO.Ms.No.8, Dated 12.02.2015, 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 to direct the respondents to refund the amounts collected towards transmission charges from 30.06.2021 onwards to the petitioner; and also to direct the respondents to refund the amount collected towards wheeling charges from 30.04.2021 onwards to the petitioner)

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 respondents, are present at the hearing.

Sri P.Shiva Rao submitted that with reference to Letter No.ENE01-APRE0MISC/14/2021-POWER-II, dated 23-1-2024, respondent No.1 has decided to consider the same in its Board meeting and take a stand thereon. He, therefore, requested time for this purpose.

Call on 08-5-2024.

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% pa., 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 respondents, are present at the hearing.

Heard. OP allowed (Vide: separate order).

Sd/-
MEMBER/PVRR

Sd/-
CHAIRMAN

Sd/-
MEMBER/TRS

OP No. 64 of 2023

M/s.Adani Renewable Energy Devco Pvt Ltd 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 29-6-2018 entered into between the Petitioner and APSPDCL-Respondent No.1, seeking a direction to Respondent No.1 to pay Rs.29,52,552/- due and payable as on August, 2023 against late payment surcharge and pendent lite interest)

Sri B.V.N.Sai Charan, learned counsel for the Petitioner, and
Sri P.Shiva Rao, learned Standing Counsel for the respondents, are
present at the hearing.

Pleadings are complete.

Call the case on 12-6-2024 for hearing.

Sd/-
MEMBER/PVRR

Sd/-
CHAIRMAN

Sd/-
MEMBER/TRS

OP No. 7 of 2024 & IA No.2 of 2024

M/s.Greenko Solar Power (Dharmavaram) Ltd

Vs.

Southern Power Distribution Company of A.P. Ltd., (APSPDCL)

(Petition filed under Section 86(1)(f) read with Section 86(1)(e) and (k) of the Electricity Act, 2003 seeking quashing of the Notice dated 04-07-2023 issued by the Respondent-APSPDCL terminating the Power Purchase Agreement dt.05-12-2014 executed with the Petitioner, under the pretext of installation of allegedly excess DC capacity of 9.28 MW postcommissioning of the Solar Power Project; and granting permission to connect the additional DC modules of 9.28 MW in terms of the MNRE Clarification dt.05-11-2019)

IA No.2 of 2024

Application filed under Clause-8 read with Clause-55 of the Andhra Pradesh (Conduct of Business) Regulations, 1999 and Section 94(2) of the Electricity Act, 2003 praying stay of operation/implementation of the impugned Notice dated 04-7-2023 issued by the respondent for terminating the PPA dated 5-12-2014, pending disposal of the main Petition.

OP No. 8 of 2024 & IA No.2 of 2024

M/s.SEI Arushi Private Limited

Vs.

Southern Power Distribution Company of A.P. Ltd., (APSPDCL)

(Petition filed under Section 86(1)(f) read with Section 86(1)(e) and (k) of the Electricity Act, 2003 seeking quashing of the Notice dated 04-07-2023 issued by the Respondent-APSPDCL terminating the Power Purchase Agreement dt.05-12-2014 executed with the Petitioner, under the pretext of installation of allegedly excess DC capacity of 5.13 MW postcommissioning of the Solar Power Project; and granting permission to connect the additional DC modules of 5.13 MW in terms of the MNRE Clarification dt.05-11-2019)

IA No.2 of 2024

Application filed under Clause-8 read with Clause-55 of the Andhra Pradesh (Conduct of Business) Regulations, 1999 and Section 94(2) of the Electricity Act, 2003 praying stay of operation/implementation of the impugned Notice dated 04-7-2023 issued by the respondent for terminating the PPA dated 05-12-2014, pending disposal of the main Petition.

Sri Gopal Chowdary, counsel representing Sri Hemanth singh, learned counsel for the petitioners; Sri P.Shiva Rao. learned Standing Counsel for the respondent; are present.

Heard Sri K.Gopal Chowdary and Sri P.Shiva Rao.

Affidavits, as undertaken by the petitioners, have been filed to the effect that they will not only dismantle the DC Panels but also will not reconnect the same without obtaining the requisite permission from the appropriate authorities and without prejudice to their right to seek reconnection before the competent authority.

In view of these undertakings, the respondents shall not take coercive steps until disposal of these OPS.

Orders reserved.

Sd/-
MEMBER/PVRR

Sd/-
CHAIRMAN

Sd/-
MEMBER/TRS