

Record of Proceedings _dated 08-05-2024

OP No. 16 of 2010

M/sTata Power Trading Company Ltd., Vs. APDISCOMs & APPCC

Petition filed under Section 86(1)(f) read with Section 86(1)(b) of the Electricity Act, 2003, in the matter of illegal, unilateral and wrongful deduction of Rs. 9,72,00,000/- and Rs. 96,48,000/- by Respondents towards alleged compensation claim for non-supply of short term power by the Petitioner.

Ms.Priya Dhankhar, Counsel representing Sri Shri Venkatesh, learned Counsel for the Petitioner; Sri P.Shiva Rao, learned Standing Counsel for the respondents, are present at the hearing.

OP dismissed as withdrawn (vide separate order)

**Sd/-
MEMBER/PVRR**

**Sd/-
CHAIRMAN**

**Sd/-
MEMBER/TRS**

OP No. 20 of 2024

M/s. Southern Power Distribution Company of A.P Limited (APSPDCL)

(Petition filed under Section 86(1)(b) and Section 62 of Electricity Act 2003 read with Regulation 8 of APERC (Conduct of Business) Resulations, 1999 for computation of Pooled Cost of Power Purchase of the year 2022-23 to be considered for the year 2023-24).

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

This application is filed for determination of Pooled Cost of Power Purchase of the year 2022-23 to be considered for the year 2023-24.

Since this application falls under Section 62 of the Electricity Act, 2003 (for short "the Act"), publication shall be made as required under Section 64(2) of the Act.

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 the Andhra Pradesh Editions and file proof of publication by the next date of hearing.

Call on 10-7-2024 for filing proof of publication.

**Sd/-
MEMBER/PVRR**

**Sd/-
CHAIRMAN**

**Sd/-
MEMBER/TRS**

OP No. 21 of 2024

**Andhra Pradesh Power Development Corporation Ltd.,
Vs.**

APSPDCL,APEPDCL,APCPDCL

(Petition filed seeking determination of Additional Capital Cost and Tariff for 2x800 MW Stage-I SDSTPS for the 5th Control Period 2024-2029, and determination of Capital Cost & Tariff for 1 x800 MW Stage-II SDSTPS for balance period COD from 10.03.2023 to 31.03.2024 in 4th Control Period 2019-2024, and determination of Tariff for 1 x 800 MW Stage-II SDSTPS for the 5th Control Period 2024-2029 under Section 62 of the Electricity Act, 2003 for the electricity supplied by Andhra Pradesh Power Development Company Limited (APPDCL) from Sri Damodaram Sanjeevaiah Thermal Power Station to the Distribution Licensees in A.P.

Sri K.Venu Gopal Reddy, Deputy Executive Engineer of the petitioner; and
Sri P.Shiva Rao, learned Standing Counsel for the respondents, are present at
the hearing.

This Original Petition is filed seeking, *inter alia*, to -

- (a) determine the capital cost with the additional capital cost, the annual fixed charges of tariff and the initial energy charges of tariff for the 2x800 MW Stage-I for the 5th Control Period 2024-29 together with the terms and conditions thereof;
- (b) determine the capital cost, the annual fixed charges of tariff and the initial energy charges of tariff for the 1x800 MW Stage-II for the 4th Control Period following the COD together with the terms and conditions thereof;
- (c) determine the capital cost with the additional capital cost, the annual fixed charges of tariff and the initial energy charges of tariff for the 1x800 MW Stage-II for the 5th

Control Period together with the terms and conditions thereof;

- (d) direct that the Fuel Cost Adjustment be paid against supplementary bills and the terms and conditions thereof, and that the initial energy charges be reset every subsequent financial year based on the actuals of the last quarter of the immediately preceding financial year; and
- (e) allow loading and transportation charges of unutilized ash in terms of CERC Regulation, 2024 read with the directions of MoEF and MoP and permit such charges to be claimed from time to time by way of supplementary bills and the terms and conditions thereof.

Since this application falls under Section 62 of the Electricity Act, 2003 (for short “the Act”), publication shall be made as required under Section 64(2) of the Act.

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 the Andhra Pradesh Editions and file proof of publication by the next date of hearing.

Call on 03-7-2024 for filing proof of publication.

**Sd/-
MEMBER/PVRR**

**Sd/-
CHAIRMAN**

**Sd/-
MEMBER/TRS**

OP No. 22 of 2024

Andhra Pradesh Power Generation Corporation Ltd.,

Vs.

APCPDCL,APSPDCL,APEPDCL

(Petition filed under Section 62 of the Electricity Act, 2003 seeking Determination of capital cost and tariff for the balance period of COD from of 21.12.2023 to 31.03.2024 in the 4th Control Period and for determination of additional capital cost and tariff for the 5th control period for the electricity supplied by APGENCO from Dr. Narla Tata Rao Thermal Power Station Stage-V (1x800 MW) to the Distribution Licensees in Andhra Pradesh.

Sri P.Prathapa Reddy, Deputy Executive Engineer of the petitioner; and Sri P.Shiva Rao, learned Standing Counsel for the respondents, are present at the hearing.

This Original Petition is filed seeking, inter alia, to -

- i) determine the capital cost with the additional capital cost, the annual fixed charges of tariff and the initial energy charges of tariff for the 1x800 MW Stage-V for the balance of the 4th control period following the COD together with the terms and conditions thereof;
- (ii) to determine the capital cost with the additional capital cost, the annual fixed charges of tariff and the initial energy charges of tariff for the 1x800 MW Stage-V for the 5th control period together with the terms and conditions thereof;
- (iii) to direct that the Fuel Cost Adjustment be paid against supplementary bills and the terms and conditions thereof, and that the initial energy charges be reset every subsequent financial year based on the actuals of the last quarter of the immediate preceding financial year; and
- (iv) to allow loading and transportation charges of unutilized ash in terms of CERC Regulation - 2024 read with the directions of MoEF and MoP and permit such charges to be claimed from time to time by way of supplementary bills and the terms and condition thereof.

Since this application falls under Section 62 of the Electricity Act, 2003 (for short "the Act"), publication shall be made as required under Section 64(2) of the Act.

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 the Andhra Pradesh Editions and file proof of publication by the next date of hearing.

Call on 03-7-2024 for filing proof of publication.

**Sd/-
MEMBER/PVRR**

**Sd/-
CHAIRMAN**

**Sd/-
MEMBER/TRS**

OP No. 23 of 2024

M/s.Vish Wind Infrastructure LLP Vs. APSPDCL, APTRANSCO , APPCC

(Petition under Section 86(1)(f) of the Electricity Act, 2003, read with the applicable provisions of the Power Purchase Agreements dated 30.10.2010, 17.12.2011 and 11.10.2012, *inter alia*, seeking directions for the payment of Late Payment Surcharge accrued pursuant to the consistent delayed payment by the Respondents towards the supply of power by the Petitioner from its 8 MW and 20.8 MW capacity wind power plants, respectively, situated in Kurnool and Anantapur district in the State of Andhra Pradesh from June 2020)

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

OP disposed of (vide: separate order).

**Sd/-
MEMBER/PVRR**

**Sd/-
CHAIRMAN**

**Sd/-
MEMBER/TRS**

OP No. 113 of 2021

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

(Petition filed under Section 86(1)(e) and (f) of the Electricity Act, 2003, seeking specific performance of the Power Purchase Agreement dated 29-5-2010 and for a direction against the respondents for payment of the outstanding amounts)

Sri Aniket Prasoon, counsel representing Sri Kailash Nath P.S.S., learned counsel for the petitioner; and Sri P.Shiva Rao, learned Standing Counsel for the respondents, are present at the hearing.

OP disposed of (vide: separate order)

MEMBER/PVRR

CHAIRMAN

MEMBER/TRS

- OP No. 30 of 2020**
M/s. Tadas Wind Energy Pvt. Ltd Vs. APSPDCL
OP No. 64 of 2021
M/s. Khandke Wind Energy Pvt Ltd Vs. APSPDCL
OP No. 89 of 2021
M/s. Mytrah Vayu (Pennar) Private Limited Vs. APSPDCL & APPCC
OP No. 93 of 2021
M/s Axis Wind farms (MPR Dam) Vs. APSPDCL
OP No. 94 of 2021
M/s Saipuram Wind Energies Pvt Ltd. Vs. APSPDCL
OP No. 95 of 2021
M/s JED Solar Parks Pvt. Ltd., Vs. APSPDCL
OP No. 96 of 2021
M/s Skeiron Renewable Energy Amidyala Ltd., Vs. APSPDCL
OP No. 97 of 2021
M/s Animala Wind Power Pvt Ltd., Vs. APSPDCL
OP No. 98 of 2021
M/s Poly Solar Parks Pvt. Ltd. Vs. APSPDCL
OP No. 99 of 2021
M/s Vayuputhra Energy Pvt Ltd., Vs. APSPDCL
OP No. 100 of 2021
M/s Sandla Wind Project Pvt. Ltd.,Vs. APSPDCL
OP No. 101 of 2021
M/s Guttaseema Wind Energy Company Pvt Ltd., Vs. APSPDCL
OP No. 1 of 2022
M/s. Greenko Uravakonda Wind Power Pvt. Ltd., Vs. APSPDCL
OP No. 2 of 2022
M/s Greenko Anantapur Wind Power Pvt. Ltd., Vs. APSPDCL
OP No. 3 of 2022
M/s New Era Enviro Venture (Mahabubnagar) Pvt. Ltd., Vs. APSPDCL
OP No. 12 of 2022
M/s Palnadu Solar Power Pvt Ltd., Vs. APCPDCL & APPCC
OP No. 18 of 2022
M/s.Vayu Urja Bharat Pvt Ltd., Vs. APSPDCL
OP No. 22 of 2022
M/s Vayu Urja Bharat Pvt Ltd.,Vs. APSPDCL

(All these Petitions are filed under Section 86(1)(e) and (f) of the Electricity Act, 2003, r/w.Clauses-8 or 55 of the APERC (Conduct of Business) Regulations, 1999 (as Amended), and also read with the relevant Articles of the respective Power Purchase Agreements (PPAs) entered into between the petitioners and APSPDCL-DISCOM, seeking directions to the latter for

expeditiously releasing the amounts due and payable to the Petitioners under the respective PPAs towards Late Payment Surcharge (LPS)

Dr. Aditya Sondhi, learned Senior Counsel, assisted by Sri Aditya Narayan, Advocate, and Sri V.Akshaya Babu, learned counsel for the petitioners in OP Nos.93 to 101 of 2021 and 1, 2 & 3 of 2022 and Sri Dipan Bhuptani, learned counsel for the petitioners in OP Nos.30 of 2020 and 64 of 2021; Sri Aniket Prasoon, learned counsel for the petitioner in OP Nos.18 & 22 of 2022; Sri Deepak Chowdary, learned counsel for the Petitioners in OP Nos.12 of 2022 and 89 of 2021; and Sri Vedula Srinivas, learned Senior Counsel, assisted by Sri P.Shiva Rao, learned Standing Counsel for the respondents, are present at the hearing.

After arguing the cases for substantial time, the learned counsel for the petitioners requested an adjournment for further instructions from their respective clients.

Call on 03-7-2024.

**Sd/-
MEMBER/PVRR**

**Sd/-
CHAIRMAN**

**Sd/-
MEMBER/TRS**

OP No. 4 of 2023

Kreate Energy India Pvt. Ltd. Vs. APSPDCL

(Petition filed under Section 86(1)(f) of the Electricity Act, 2003 for adjudication of the disputes between the Petitioner and the Respondent relating to supply of power for the period from January, 2018 to October, 2019 in terms of the power banking arrangement between the parties)

Ms. Shraddha Gupta, learned counsel for the Petitioner; and Sri P. Shiva Rao, learned Standing Counsel for the Respondent, are present at the hearing.

Both the counsel submitted that there is a possibility for negotiated settlement in this case and, hence, they requested for an adjournment.

Call on 10-7-2024.

**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.

The Inspection Report, along with the Minutes of Inspection signed by both the parties present at the Inspection, has been submitted by Sri D.Ramanaiah Setty, Joint Director/Tariff of this Commission.

Office shall furnish copies of the said Inspection report and the Minutes of the Inspection to both the parties on their approaching the Commission's office.

Call on 03-7-2024 for hearing.

**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.

OP dismissed as withdrawn (vide: separate order).

Sd/-
MEMBER/PVRR

Sd/-
CHAIRMAN

Sd/-
MEMBER/TRS