

Record of Proceedings Dated. 10-04-2024

OP No. 12 of 2024

M/s. Hinduja National Power Corporation Limited (HNPCL)

Vs.

APSPDCL, APEPDCL and APCPDCL

(Petition for determination of additional Capital Cost of the coal fired power station of 1040 MW (2 x 520 MW) capacity in the district of Visakhapatnam for determination of Tariff for supply of Electricity by a Generating Company and purchase of Electricity by Distribution Licensees for the FY 2025, FY 2026, FY 2027, FY 2028 and FY 2029 and Multi Year ARR & Tariff Framework (MYF) for the Fifth Control Period (FY 2024-25 to FY 2028-29) for its Generation and Sale of Electricity business under Clause 10 of Regulation 1 of 2008 of Andhra Pradesh Electricity Regulatory Commission (Terms and conditions for determination of tariff for supply of electricity by a generating company to a distribution licensee and purchase of electricity by distribution licensees) Regulations, 2008 read with sections 61, 62 & 64 of the Electricity Act, 2003).

Sri P.Ravi Charan, 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 time for filing counter. Four weeks' time is, accordingly, granted.

Call on 12-6-2024.

**Sd/-
MEMBER/PVRR**

**Sd/-
CHAIRMAN**

**Sd/-
MEMBER/TRS**

OP No. 13 of 2024

Eastern Power Distribution Company of A.P.Ltd., (APEPDCL)

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

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

This Petition is filed by APEPDCL for determination of Pooled Cost of

Power Purchase for the year 2022-23 to be considered for 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 12-6-2024 for filing proof of publication.

**Sd/-
MEMBER/PVRR**

**Sd/-
CHAIRMAN**

**Sd/-
MEMBER/TRS**

OP No. 14 of 2024

M/s.Kandaleru Power Company Ltd., Vs. APSPDCL, APPCC

(Petition filed under Section 86(1)(f) of the Electricity Act, 2003 r/w. the APERC (Conduct of Business) Regulations, 1999 seeking a direction to the respondents for releasing payment against the outstanding monthly invoices towards sale of Hydel energy for the months of November, 2021 to March, 2022 along with the interest/delayed payment surcharge as per Articles 2.2 and 5.1 and 5.2 of the Power Purchase Agreement dated.16-02-2019)

Sri Deepak Chowdary, Counsel representing Sri Challa Gunaranjan, learned Counsel for the Petitioners; 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. 15 of 2024

M/s.Hinduja National Power Corporation Limited Vs. APSPDCL & Ors

(Petition filed under Section 86(1)(b) and (f) of the Electricity Act, 2003 r/w. the Andhra Pradesh Electricity Regulatory Commission (Terms and conditions for determination of tariff for supply of electricity by a generating company to a distribution licensee and purchase of electricity by distribution licensees) Regulation, 2008 seeking recovery of actual expenditure incurred on account of (a) Fly Ash Disposal; (b) Additional O&M Expenses; (c) Part Load Compensation; and (d) Statutory Charges/Change in law with respect to 1040 MW (2 x 520 MW) Thermal Power Project of the petitioner in terms of the Revised Consolidated PPA dated 16.02.2024 and the terms of liberty granted by this Hon'ble Commission, vide: Order dated 01.08.2022 passed in O.P. Nos. 21 of 2015 and 19 of 2016)

Sri P.Ravi Charan, 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 time for filing counter. Four weeks' time is, accordingly, granted.

Call on 12-6-2024.

**Sd/-
MEMBER/PVRR**

**Sd/-
CHAIRMAN**

**Sd/-
MEMBER/TRS**

OP No. 16 of 2024

APEPDCL Vs. M/s The Chodavaram Cooperative Sugars Limited

(Petition filed under Section 86 (1) (b) read with Section 86 (1)(e) of the Electricity Act, 2003, seeking approval for the continuation agreement entered on 15.03.2024 between APEPDCL and M/s.The Chodavaram Cooperative Sugars Limited for procurement of Power from their 7 MW Bagasse Based Co-generation power plant located at Govada Village, Chodavaram Mandal in Anakapalli District in Andhra Pradesh)

Sri P.Shiva Rao, learned Standing Counsel for the Petitioner; and Sri V.S.Naidu, Managing Director of the respondent are present at the hearing.

Since this petition pertains to approval of Tariff for the period from 23-1-2024 for a period of 20 years and also for approval of continuation of the agreement dated 15-3-2024, 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 12-6-2024 for filing proof of publication.

**Sd/-
MEMBER/PVRR**

**Sd/-
CHAIRMAN**

**Sd/-
MEMBER/TRS**

OP No. 17 of 2024
Andhra Pradesh Power Development Co Ltd
Vs.

APCPDCL, APSPDCL, APEPDCL

(Petition filed under Section 86(1)(f) of the Electricity Act, 2003 seeking a direction to the respondents for payment of fixed charges from FY 2015-16 to FY 2023-24 relating to Stage-I of Sri Damodaram Sanjeevaiah Thermal Power Station).

Sri K.Gopal Choudary, 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 time for filing counter, if any. Time is, accordingly, granted.

Call on 12-6-2024.

**Sd/-
MEMBER/PVRR**

**Sd/-
CHAIRMAN**

**Sd/-
MEMBER/TRS**

OP No. 18 of 2024

APSPDCL Vs. M/s.National Aluminium Company Ltd.,

(Petition filed under Section 86(1)(b) r/w. Section 86(1)(e) of the Electricity Act, 2003, seeking approval for the continuation agreement entered on 26.02.2024 between APSPDCL and M/s. NALCO for procurement of Power from their 50.4 MW Wind Power Plant located at Gandikota, Jammalamadugu in YSR District).

Sri P.Shiva Rao, learned Standing Counsel for the Petitioner is present at the hearing. None appeared on behalf of the Respondent.

Since this petition pertains to approval of Tariff and continuation of the agreement dated 26-2-2024, 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 12-6-2024 for filing proof of publication.

**Sd/-
MEMBER/PVRR**

**Sd/-
CHAIRMAN**

**Sd/-
MEMBER/TRS**

OP No. 19 of 2024

**M/s.Andhra Pradesh Central Power Distribution Corporation Limited
(APCPDCL)**

(Petition filed under Section 86 (1) (b) and Section 62 of Electricity Act 2003 read with Regulation 8 of APERC (Conduct of Business) Regulations, 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 Petition is filed by APCPDCL for determination of Pooled Cost of Power Purchase for the year 2022-23 to be considered for 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 12-6-2024 for filing proof of publication.

Sd/-
MEMBER/PVRR

Sd/-
CHAIRMAN

Sd/-
MEMBER/TRS

IA No.1 of 2024 OP No. 17 of 2023
M/s ACME Solar Holdings Pvt., Ltd. & 5 others Vs. APSPDCL & 3 others

(I.A.No.1 of 2024: This Interlocutory Application is filed by the Petitioners seeking urgent listing hearing of Original Petition No.17 of 2023).

&

(OP No.17 of 2023: Petition filed is filed under Section of the 86(1)(f) of the Electricity Act, 2003, inter alia, challenging the unilateral deductions made by respondent No.1 in the payment of the monthly tariff invoices for the period from COD of the projects to till date; and also also to direct the respondent No.1 to make payment of the withheld amounts, being Rs.333.10 crores along with LPS amounting to Rs.137.14 crores, totalling to Rs.470.24 crores).

I.A.No.1 of 2024:

Sri Vishrov Mukerjee, Counsel representing Sri P.S.S.Bhargava, learned counsel for the Petitioners; and Sri P.Shiva Rao, learned Standing Counsel for the respondents, are present at the hearing.

Heard. Ordered.

OP No. 17 of 2023:

During the hearing it has come out that the order in ***Walwhan Renewable Energy Ltd., Vs. Southern Power Distribution Company of Andhra Pradesh and others*** (Order dated 01-2-2023 in OP No.112 of 2021 and batch) was subject matter of Appeals before the Honourable APTEL and that the latter has disposed of the said Appeals with certain observations. The learned counsel for both the parties undertake to place the said order before us.

Inasmuch as the OP cannot be disposed of without considering the said order, the matter is adjourned to 19-6-2024.

Sd/-
MEMBER/PVRR

Sd/-
CHAIRMAN

Sd/-
MEMBER/TRS

OP No. 3 of 2024
APDISCOMs & Government of Andhra Pradesh

Vs.

Solar Energy Corporation of India Limited; Ministry of Power; & AP Rural Agriculture Power Supply Company Ltd

(Petition filed under Section 86(1)(b) read with Section 64(5) of the Electricity Act, 2003 seeking approval of the terms of the tripartite power sale agreement dt.01-12-2021 entered into between the petitioners and respondent No.1 for purchase of 7000 MW Solar Power with an annual ceiling quantum of 17000 MU for 25 years).

Sri P.Shiva Rao, learned Standing Counsel for the Petitioners; and Ms. Anushree Bardhan, learned counsel for the Respondent No.1; are present at the hearing.

Sri P.Shiva Rao and Ms. Anushree Bardhan made their submissions on the maintainability of this Petition. Having heard their submissions, we are

satisfied that this Petition is maintainable under Section 86(1)(b) of the Electricity Act.

Both the counsel also made their submissions on merits of the Petition, including on the question whether public hearing is required. Both the learned counsel submitted that on the peculiar facts of this case, since no one's interest is affected by the proposed PSA, there is no necessity to issue public notice and hear third parties. However, it is to be noted that when this OP came up for admission on 21-2-2024, an order was passed, wherein the question of maintainability of the OP was pointed out by this Commission. The adjourned date as well as the said order (contained in the Record of Proceedings dated 21-2-2024) were uploaded on the Commission's website. Today, at the hearing, no one has represented third parties and raised specific objections.

In the light of the above, OP is reserved for orders.

**Sd/-
MEMBER/PVRR**

**Sd/-
CHAIRMAN**

**Sd/-
MEMBER/TRS**

OP No. 4 of 2024

M/s.Vuddanda Solar Power Private Limited Vs. M/s.APSPDCL

(Petition filed under Sections 42 and 86(1)(e) r/w. Section 86(1)(f) of the Electricity Act,2003 to declare the levy and demand of Cross Subsidy Surcharge (CSS) on the Petitioner for the period April 2021 to March 2022, vide: Lr.No.CGM(R&IA)/AO /AAO-HT/JAO-HT/D.No.223/23 dated 10-11-2023 as arbitrary and illegal and to set aside the demand of the Cross Subsidy Surcharge (CSS) on the Petitioner vide Lr.No.CGM(R&IA)/AO/AAO-HT/JAO-HT/D.No.223/23, dated 10-11-2023)

Sri Shreyas Reddy, counsel representing Sri N.V.Sumanth, 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 submitted that counter is being filed today after serving the same on the learned counsel for the petitioner. At the request of the learned counsel for the petitioner, time for filing rejoinder is granted.

Call on 19-6-2024.

Sd/-
MEMBER/PVRR

Sd/-
CHAIRMAN

Sd/-
MEMBER/TRS

OP No. 5 of 2024

M/s.Kakatiya Cement, Sugar & Industries Ltd. Vs. APCPDCL

(Petition filed under Section 86(1)(f) of the Electricity Act, 2003 seeking to declare that the Petitioner is not liable to pay late payment surcharge/interest on differential wheeling charges which were deposited by the Petitioner on 03-07-2023, in accordance with the notice dt.13-06-2023 issued by the Superintending Engineer, Operation Circle, APCPDCL, Vijayawada; and, consequently, to set aside the impugned notice bearing Lr. No. CMD/D(F)GM(R&F)/GM(Rev-HT)/AAO/JAO(HT)D.No.1107/23, dt.05-12-2023 issued by the Respondent to the Petitioner)

Ms. D.Achala Siri, learned Counsel for the Petitioner; and Sri P.Shiva Rao, learned Standing Counsel for the respondent, are present at the hearing.

Counter is filed.

Ms.D.Achala Siri submitted that she is ready with the rejoinder and the same will be filed in the Commission's Office today.

Call on 19-6-2024 for hearing.

Sd/-
MEMBER/PVRR

Sd/-
CHAIRMAN

Sd/-
MEMBER/TRS

OP No. 61 of 2023 & IA No.1 of 2023

M/s Sarda Metals & Alloys Ltd Vs. APTRANSCO and another

(OP No.61 of 2023: Petition filed under Section 86(1)(f) of the Electricity Act, 2003 seeking adjudication of a dispute in relation to claim of Line and Bay Maintenance charges imposed on petitioner's Captive Power Plant).

(IA No.1 of 2023: (This petition is filed seeking stay of demand, vide Lr.No. SE/O&M/VZM/Tech/AEE2/F.O&M charges X.3/D.NO.1043/23, dated 02.06.2023, issued by Respondent No.2 or any such other order or orders).

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.

Rejoinder is filed.

Call on 19-6-2024 for hearing.

**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 to fix the tariff as per MNRE Guidelines for the Petitioner's Mini Hydel Power Plant at Somasila (MHPP) from the 11th Year of Operation in pursuance of the order, dated 10-07-2023, passed by the Hon'ble High Court of Andhra Pradesh in W.P.No.20728 of 2016)

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.

Rejoinder is filed.

Call on 26-6-2024 for hearing.

**Sd/-
MEMBER/PVRR**

**Sd/-
CHAIRMAN**

**Sd/-
MEMBER/TRS**

OP No. 82 of 2023

M/s. Sarda Metals and Alloys Ltd. Vs. APTRANSCO

(Petition filed under Section 86(1)(b) and (e) of the Electricity Act, 2003 r/w Regulations 9 and 10.1 of the APERC Renewable Power Purchase Obligation (Compliance by purchase of Renewable Energy/Renewable Energy Certificates) Regulations, 2012 and 2017 and Clause-57

of the APERC (Conduct of Business) Regulations 1999, seeking to carry forward the Renewable Power Purchase Obligation (RPPO) of the petitioner for the Financial Years from 2017-18 to 2022-23 to the corresponding Financial Years from 2024-25 to 2029-30 respectively)

Sri T.G.Rajesh Kumar, learned Counsel for the Petitioner; and Sri P.Shiva Rao, learned Standing Counsel for the respondent, are present at the hearing.

Rejoinder is filed.

Call on 24-7-2024 for hearing.

Sd/-
MEMBER/PVRR

Sd/-
CHAIRMAN

Sd/-
MEMBER/TRS

OP No. 84 of 2023

M/s.Espar Pak Private Limited Vs. APSPDCL and three others

(Petition filed under Sections 42, 86(1)(e) r/w Section 86(1)(f) of the Electricity Act, 2003 seeking a direction to the respondents to reimburse Rs.15,14,523/-, being the excess amounts levied towards differential wheeling charges, in violation of the Tariff Orders for the period 2019-2024 for the period from April 2019 to June, 2023).

Sri 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 Shreyas Reddy submitted that the rejoinder is being filed today.

Call on 24-7-2024 for hearing.

Sd/-
MEMBER/PVRR

Sd/-
CHAIRMAN

Sd/-
MEMBER/TRS

OP No.9 of 2024

M/s.VishWind Infrastrukture LLP Vs. APSPDCL, APTRANSCO & APPCC

(Petition filed under Section 86 of the Electricity Act,2003 r/w.Clauses-55 and 62 of the APERC (Conduct of Business) Regulations, 1999 seeking execution/implementation of the Order dated 20-12-2023 passed in OP No.3 of 2023 by initiation of proceedings under Sections 142 and 146 of the Act.

OP No.10 of 2024
M/s.Vayu (India) Power Corporation Pvt Ltd
Vs.
APSPDCL, APTRANSCO, APPCC

(Petition under Section 86 of the Electricity Act,2003 r/w Clauses-55 and 62 of the APERC (Conduct of Business) Regulations, 1999 seeking execution/implementation of the Order dated 20-12-2023 passed in OP No.13 of 2023 by initiation of proceedings under Sections 142 and 146 of the Electricity Act, 2003.

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

Sri K.Santosh Rao, CMD of respondent No.1 is personally present. However, the Convenor of the APPCC-respondent No.2, who was also directed to be present, is neither present nor has he filed any application for dispensing with his presence. Despite the peremptory directions issued for his appearance, he failed to appear; and this conduct of his reveals his scant respect for the Commission's orders. Though the conduct of the Officer deserves to be viewed seriously, the Commission, nevertheless, has decided to give one last chance to him to mend his conduct.

It is represented by Sri P.Shiva Rao that Appeals, challenging the aforesaid common order, are pending before the Honourable APTEL, and that some interim order is awaited.

In the light of the above, both the OPs are adjourned to 12-6-2024, on which date both the CMD of respondent No.1 and the Convenor of

respondent No.2 shall be personally present, without fail.

**Sd/-
MEMBER/PVRR**

**Sd/-
CHAIRMAN**

**Sd/-
MEMBER/TRS**

OP No. 12 of 2023 & IA No.1 of 2024

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

OP No. 12 of 2023:

Petition filed under Section 86(1)(e) r/w. Section 86(1)(f) of the Electricity Act, 2003 seeking appropriate directions to the 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)

IA No.1 of 2024:

This Interlocutory Application is filed by the respondents in the main OP, seeking appointment of a Technical Expert, including an official working in Central Electricity Authority, to give their opinion as to the Data submitted by the applicants herein with respect to the compliance or otherwise of the FOR Guidelines/IEGC.

Sri Suhael Buttan, 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.

Rejoinder is filed. It is, *inter alia*, stated therein that they have serious objection to the Grid Controller of India Limited (erstwhile POSOCO) to examine and submit the report. Instead, the respondents requested that the dispute may be referred to the expert officials of CEA or an independent expert.

Sri Suhael Buttan submitted that the matter may be adjourned to enable both the parties to indicate the names of the experts.

Accordingly, the matter is adjourned to 10-7-2024 for doing the needful.

**Sd/-
MEMBER/PVRR**

**Sd/-
CHAIRMAN**

**Sd/-
MEMBER/TRS**

OP No. 117 of 2021 & IA No.1 of 2024
Hindupur Solar Park Pvt. Ltd., Vs. APSLDC & SPDCL
&
OP No. 118 of 2021
Hindupur Solar Park Pvt. Ltd., Vs. APSLDC & SPDCL

(Both the Petitions are filed under Section 33(4) r/w Sections 86(1)(e), (f) & (k) of the Electricity Act, 2003 challenging the alleged wrongful curtailment of power of the petitioner by Respondent No.1-APSLDC and seeking appropriate directions to the the Respondents not to issue curtailment instructions and to direct them to pay the amounts due towards deemed generation)

IA No.1 of 2024 in OP No.117 of 2021

(This Interlocutory Application is filed by APSLDC-respondent No.1, under Clause-55 of the APERC (Conduct of Business) Regulations, 1999, seeking appointment of a Technical Expert, including an official working in the Central Electricity Authority to give his opinion on the Data submitted by it in respect of compliance or non-compliance of the FOR Guidelines).

OP Nos.117 and 118 of 2021:

Sri Hemant Singh, learned counsel for the petitioners, and Sri P.Shiva Rao, learned Standing Counsel for the respondents, are present at the hearing.

As the issues involved in these two Petitions are similar to those raised in OP No.12 of 2023, call this matter along with the said OP on 10-7-2024.

Sd/-
MEMBER/PVRR

Sd/-
CHAIRMAN

Sd/-
MEMBER/TRS