

# **ANDHRA PRADESH ELECTRICITY REGULATORY COMMISSION**

## **Record of Proceedings**

**Dated 11-09-2024**

**OP No. 32 of 2024**

**M/s Aeolus Wind Parks Pvt., Ltd., Vs. APSPDCL, APPCC**

**OP No. 33 of 2024**

**M/s Danu Wind Parks Pvt., Ltd., Vs. APSPDCL, APPCC**

**OP No. 34 of 2024**

**M/s Danu Wind Parks Pvt., Ltd., Vs. APSPDCL, APPCC**

**OP No. 35 of 2024**

**M/s Fujin Wind Parks Private Limited Vs. APSPDCL, APPCC**

**OP No. 36 of 2024**

**M/s Dindore Wind Parks Pvt., Ltd., Vs. APSPDCL, APPCC**

Petitions filed under Section 86(i)(f) r/w Section 142 of the Electricity Act, 2003 read with APERC (Conduct of Business) Regulations, 1999, seeking to punish the Respondents for non-compliance of the common order dated 21-02-2024 passed by this Commission in OP Nos. 4,5,6,7 & 8 of 2022, and pass such other Order/s as this Hon'ble Commission deems fit and proper in the circumstances of the case.

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Sri S.Vivek Chandrasekhar, learned counsel for the petitioners ; and Sri P.Shiva Rao, learned standing counsel for the respondents, are present at the hearing.

These petitions have been filed complaining of utter violation of this Commission's order dated 21-02-2024 in O.P.No.4,5,6,7 & 8 of 2022. A perusal of the record shows that by the aforesaid order this Commission, while allowing the respondents to pay 50% of LPS, directed the respondents to calculate the liability within one week from the date of receipt of the copy of the order and pay

50% of the LPS so arrived at in 3 equal monthly instalments commencing from 1st April 2024. However, the Director (Finance), APTRANSCO & Member of APPCC, who has since allegedly resigned from the office, issued a letter dated 15-04-2024, which virtually revised the order of this Commission. He stipulated certain conditions of his own which include the condition that the payment will be made in 12 monthly instalments and that the petitioners must give an undertaking agreeing for those conditions.. In the prima facie opinion of this Commission, this letter is a brazen violation of its order dated 21-02-2024. The Convenor, APPCC, along with the Chief General Manager (Power purchase) and the General Manager (Finance), shall be personally present to explain the defiant and unseemly conduct of the Member of APPCC.

Call on 25-09-2024 for the appearance of the above mentioned officers.

Sd/-  
**MEMBER/PVRR**

Sd/-  
**CHAIRMAN**

Sd/-  
**MEMBER/TRS**

**OP No. 37 of 2024**

**M/s Sunwin Powertech India LLP Vs. APSPDCL, APPCC**

**OP No. 38 of 2024**

**M/s . Vibrant Greentech India Pvt. Ltd., (0.8 MW) Vs. APSPDCL, APPCC**

**OP No. 39 of 2024**

**M/s . Vibrant Greentech India Pvt. Ltd., (5.1 MW) Vs. APSPDCL, APPCC**

**OP No. 40 of 2024**

**M/s . Vibrant Greentech India Pvt. Ltd., (2.0 MW) Vs. APSPDCL, APPCC**

**OP No. 41 of 2024**

**M/s . Vibrant Greentech India Pvt. Ltd., (3.75 MW) Vs. APSPDCL, APPCC**

**OP No. 42 of 2024**

**M/s . Vibrant Greentech India Pvt. Ltd., (8.0 MW) Vs. APSPDCL, APPCC**

Petitions filed under Section 86(1)(f) of the Electricity Act, 2003 read with the APERC (Conduct of Business) Regulations, 1999 seeking a direction to the respondents to make payment towards LPS for the delayed payment of monthly Invoices

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Sri Deepak Chowdary, counsel presenting Sri Challa Gunaranjan, learned Counsel for the Petitioners; and Sri P.Shiva Rao, learned Standing Counsel for the respondents, are present at the hearing.

The Learned Counsel for the petitioner fairly submitted that his client is willing to accept 50% of the LPS. He, however, submitted that there is a huge difference in calculations between the petitioners on the one side and the respondents on the other side. Since in principle a consensus has been reached on the percentage of LPS payable by the respondents to the petitioners, both the parties are directed to reconcile with the calculations and submit their respective calculation memos by the next date of the hearing.

Call on 25-09-2024.

Sd/-  
**MEMBER/PVRR**

Sd/-  
**CHAIRMAN**

Sd/-  
**MEMBER/TRS**

**OP No. 43 of 2024**  
**M/s Poonawalla Estates Stud & Agri Farm Pvt., Ltd., Vs. APPCC, APSPDCL**

**OP No. 44 of 2024**  
**M/s Naukhal Investment Pvt., Ltd., Vs. APPCC, APSPDCL**

**OP No. 45 of 2024**  
**M/s Cyrus Poonawalla Family Trust Vs. APPCC, APSPDCL**

**OP No. 46 of 2024**  
**M/s Poonawalla Shares and Securities Pvt., Ltd., Vs. APPCC, APSPDCL**

**OP No. 47 of 2024**  
**M/s Adurjee & Bros. Pvt., Ltd., Vs. APPCC, APSPDCL**

**OP No. 48 of 2024**  
**M/s Chanda Investment and Trading Company Pvt., Ltd., Vs. APPCC, APSPDCL**

**OP No. 49 of 2024**

**M/s Poonawalla Aviation Pvt., Ltd., Vs.APPCC, APSPDCL**

**OP No. 50 of 2024**

**M/s Villoo Poonawalla Greenfield Farms Vs. APPCC, APSPDCL**

**OP No. 51 of 2024**

**M/s Cyza Chem Pvt., Ltd., Vs. APPCC, APSPDCL**

Petitions filed under Section 86(1)(f) of the Electricity Act, 2003 read with the APERC (Conduct of Business) Regulations, 1999 seeking a direction to the respondents to make payment towards LPS for the delayed payment of monthly Invoices

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Sri Deepak Chowdary, counsel presenting Sri Challa Gunaranjan, learned Counsel for the Petitioners; and Sri P.Shiva Rao, learned Standing Counsel for the respondents, are present at the hearing.

Sri P. Shiva Rao, Learned Standing Counsel, requested time for filing counters. Four weeks' time is accordingly granted. Two weeks' time for rejoinder, if any, is also granted.

Call on 06-11-2024.

Sd/-  
**MEMBER/PVRR**

Sd/-  
**CHAIRMAN**

Sd/-  
**MEMBER/TRS**

**OP No. 52 of 2024**

**M/s Aurobindo Pharma Limited Vs. 1. APEPDCL 2.SE / Operations, APEPDCL, Srikakulam**

Petition filed under Section 86(1)(f) of the Electricity Act, 2003 seeking refund of 'Grid Supporting Charges' paid for the F.Y 2022-23 and F.Y 2023-24.

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Sri Deepak Chowdary, counsel presenting Sri Challa Gunaranjan, learned Counsel for the Petitioners; and Sri P.Shiva Rao, learned Standing Counsel for the respondents, are present at the hearing.

Sri P. Shiva Rao, learned standing counsel for the respondent, requested

time for filing a counter. Four weeks' time is, accordingly, granted. Two weeks' time for a rejoinder, if any, is granted.

Call on 06-11-2024

Sd/-  
**MEMBER/PVRR**

Sd/-  
**CHAIRMAN**

Sd/-  
**MEMBER/TRS**

**OP No. 53 of 2024**

**M/s Sterling Agro Industries Ltd., Vs. APSPDCL, APPCC**

Petition filed under Section 86(1)(f) of the Electricity Act, 2003, read with the applicable provisions of the Power Purchase Agreements dated 26.12.2014 and 14.03.2016 respectively, *inter alia*, seeking directions for the payment of Late Payment Surcharge (LPS) accrued pursuant to the consistent delayed payment by Respondents towards the supply of power by the Petitioner from its wind power projects, situated in the State of Andhra Pradesh.

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Sri Aniket Prasoon, learned counsel for the petitioner; and Sri P.Shiva Rao, learned standing counsel for the respondent, are present at the hearing.

The learned counsel for the petitioner fairly submitted that his client is willing to accept 50% of the LPS. He, however, submitted that there is a huge difference in calculations between the petitioners on the one side and the respondents on the other side. Since in principle a consensus has been reached on the percentage of LPS payable by the respondents to the petitioners, both the parties are directed to reconcile the calculations and submit their respective calculation memos by the next date of the hearing.

Call on 25-09-2024.

Sd/-  
**MEMBER/PVRR**

Sd/-  
**CHAIRMAN**

Sd/-  
**MEMBER/TRS**

**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).

**IA No.1 of 2024**

IA No.1 of 2024 filed by the Petitioner in OP No.12 of 2024, Under Section 94 (2) of the Electricity Act, 2003, read with Order VI Rule 17 of the Code of Civil Procedure, 1908 seeking amendment of the petition in OP No.12 of 2024

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Sri L.Venkateswara Rao, counsel representing 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.

Counter is filed in the main OP. Sri P. Shiva Rao, learned Standing Counsel, requested time to file counter in the IA filed for amendment of the OP. The learned counsel for the petitioner also requested time for filing rejoinder. Time is accordingly granted.

Call on 06-11-2024.

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)

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Sri L.Venkateswara Rao, counsel, representing 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 M.Venugopala Rao, learned objector, and Sri Shiva Kumar, learned objector representing the A.P. Textile Mills Association, participated in the hearing through virtual mode.

Objections and suggestions have been filed by Sri M. Venugopala Rao. The learned counsel for the petitioner requested time to file rejoinder.

Call on 06-11-2024

Sd/-  
**MEMBER/PVRR**

Sd/-  
**CHAIRMAN**

Sd/-  
**MEMBER/TRS**

**OP No. 4 of 2023**

**M/s 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)

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Sri Tanuj Chauhan, counsel representing Sri Adarsh Tripathi, learned counsel for the Petitioner; and Sri P.Shiva Rao, learned Standing Counsel for the respondents, are present at the hearing.

O.P. is disposed of (vide separate order)

Sd/-  
**MEMBER/PVRR**

Sd/-  
**CHAIRMAN**

Sd/-  
**MEMBER/TRS**

**OP No. 13 of 2024**

**M/s 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)

**OP No. 19 of 2024**

**M/s Central Power Distribution Corporation of A.P.Ltd., (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).

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**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) Regulations, 1999 for computation of Pooled Cost of Power Purchase of the year 2022-23 to be considered for the year 2023-24).

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Sri P. Shiva Rao, learned standing counsel for the petitioners, is present at the hearing. Sri M. Venugopala Rao, learned Objector; and Sri Shiva Kumar, learned Objector representing the A.P. Textile Mills Association, participated in the hearing through virtual mode.

Heard. Orders reserved.

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 Anapalli District in Andhra Pradesh)

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Sri P. Shiva Rao, learned standing counsel for the petitioner, is present at



the hearing. Sri Y. S. Naidu, Managing Director, Chodavaram Cooperative Sugars Ltd.; Sri M. Venugopala Rao, learned Objector; and Sri Shiva Kumar, learned Objector representing the A.P. Textile Mills Association, participated in the hearing through virtual mode.

No objections have been filed. Heard Sri P. Siva Rao, learned standing counsel for the petitioner, and Sri Y. S. Naidu, Managing Director, Chodavaram cooperative sugars limited. The Managing Director submitted that the respondent has no objection to the proposed tariff for Rs.4.50 ps for the entire 20 years.

Orders reserved.

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 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.

No objections have been filed.

Heard. Orders reserved.

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 pendente lite interest)

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Sri M.Sreenivasa Reddy, counsel representing 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.

The Learned counsel for the petitioner requested one more adjournment. OP is, accordingly, adjourned *Sine Die*.

Sd/-  
**MEMBER/PVRR**

Sd/-  
**CHAIRMAN**

Sd/-  
**MEMBER/TRS**