

Record of Proceedings Dated 24-07-2024

OP No.24 of 2024

M/s. ReNew Pvt. Ltd. (Earlier known as ReNew Power Pvt. Ltd.)

M/s Helios Infratech Pvt. Ltd,

M/s ReNew Vayu Urja Pvt. Ltd.

M/s Zemira Renewable Energy Ltd,

M/s ReNew Solar Energy (Karnataka) Pvt. Ltd.

M/s ReNew Wind Energy (Shivpurjl Pvt. Ltd,

M/s Molagavalli Renewable Pvt. Ltd.

M/s Ostro Anantapur Pvt. Ltd,

M/s Ostro Andhra Wind Pvt. Ltd.

M/s Ostro AP Wind Pvt. Ltd.

Vs.

Andhra Pradesh Power Coordination Committee,

Southern Power Distribution Company of Andhra Pradesh Ltd

Petition under Section 86(1)(b) and Section 86(1)(f) of the Electricity Act, 2003 seeking direction for payment of outstanding Late Payment Surcharge (as on 03.06.2022) payable by the Respondents for the delay in payment.

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 the learned counsel for both sides. It has come to the Commission's notice that OPs involving similar issues were already heard and orders reserved. Orders are reserved in this OP also. Brief written submissions, if any, are allowed to be filed by the learned counsel for the parties within one week.

Sd/-
MEMBER/PVRR

Sd/-
CHAIRMAN

Sd/-
MEMBER/TRS

OP No. 26 of 2024

**M/s Axis Wind Farms (Rayalaseema) Private Limited
Vs. APSPDCL, APTRANSCO, New & Renewable Energy Development
Corporation of A.P Limited & Indian Wind Power Association**

(Petition filed under section 86(1)(f) and (k) of the Electricity Act, 2003 and Articles 1.5, 1.13, 2.1 and 2.2 of the Power Purchase Agreement dated 23.02.2017 executed between the petitioner and Respondent No.1 seeking release of tariff payments withheld for energy supplied beyond 23.5% of the Capacity Utilization Factor)

OP No. 27 of 2024

**M/s Axis Wind Farms (Anantapur) Private Limited
Vs. APSPDCL, APTRANSCO, New & Renewable Energy Development
Corporation of A.P Limited & Indian Wind Power Association**

(Petition filed under section 86(1)(f) and (k) of the Electricity Act, 2003 and Articles 1.5, 1.13, 2.1 and 2.2 of the Power Purchase Agreement dated 30.11.2016 executed between the petitioner and Respondent No.1 seeking release of tariff payments withheld for energy supplied beyond 23.5% of the Capacity Utilization Factor)

Sri Deep Rao, 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.

These OPs are disposed of (vide separate order)

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 K.Gopal Choudary, learned Counsel addressed his preliminary submissions, during which, Sri P. Shiva Rao, Learned Standing Counsel on instructions fairly submitted that in principle there is no dispute with respect to prayers (a) to (c) subject however to reconciliation of the figures mentioned in the said prayers. Sri K.Gopal Chowdary submitted that, as quantified in the rejoinder, the total amount payable under the prayers (a) & (b) is Rs. 1,002.78 Crores. Since public Hearing through an online process is requested by two learned objectors, the OP is adjourned for hearing through physical mode as well as online mode too.

Call on 28-08-2024 for Public Hearing.

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; and Sri P. Pankaj Kumar Gupta, Senior Manager (Electrical), National Aluminium Company Ltd., are present at the hearing.

The respondents' representatives are present. Since the petition involves fixation of tariff for the next 15 years commencing from FY 2022 - 2023 to FY 2037 - 2038, this requires public hearing. The office shall place a notice along with the material available on record on the home page of Commission's website calling for objections.

Call on 28-08-2024.

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 Challa Gunaranjan, learned Counsel for the Petitioner; and Sri P.Shiva Rao, learned Standing Counsel for the respondent, are present at the hearing.

Heard the learned counsel for both the parties. Orders reserved

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

This OP is 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 Sakya Singha Chaudhuri, 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.

Sri P. Siva Rao, Learned Standing counsel requested adjournment for making submissions. OP is accordingly adjourned to 11-09-2024.

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 Saunak Kumar Rajguru, counsel representing 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.

Heard the learned counsel for both the parties. Orders reserved.

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.

During the hearing, the learned counsel for the petitioner submitted that his client has filed a memo dated 24-07-2024 along with additional documents. According to the learned counsel, for the period from 09-10-2019 to 31-03-2020, the Respondents mistakenly included installed capacity in schedule-1 and that

later on realising the mistake, they have rectified by replacing the contracted capacity i.e., 700 kW and 300 kW instead of 1.30 MW & 0.550 MW. He further submitted that, for the second period that is from 01-09-2020 to 28-02-2021, the contracted capacity remained 1 MW from 24-08-2020 to 28-02-2021 for the first unit, and from 01-03-2021 up to 31-05-2021 the contracted capacity was 700 kW and that for the second unit the contracted capacity was always 300 kW. The petitioner however did not file an affidavit explaining the above facts and instead, it has only filed a cryptic memo which is not sufficient for adjudication of the case. Hence, the petitioner is directed to file a detailed affidavit explaining the purport of the document filed along with the memo. Such affidavit shall be filed within one week from today after service on the other side. Learned counsel for the respondents shall obtain instructions on such affidavit and may even file an additional counter if so so choose.

Call on 25-09-2024.

Sd/-
MEMBER/PVRR

Sd/-
CHAIRMAN

Sd/-
MEMBER/TRS

**Public hearing on Determination of Variable cost for the
FY 2024-25 to FY 2028-29 in respect of the existing Biomass,
Industrial Waste and Bagasse-based power plant**

Sri P. Shiva Rao learned standing counsel for APDISCOMs is present.

Two Nos. of objections have been filed. However, no objector is present at the hearing. Heard Sri P. Shiva Rao, learned standing counsel for the petitioners, orders reserved.

Sd/-
MEMBER/PVRR

Sd/-
CHAIRMAN

Sd/-
MEMBER/TRS