

ANDHRA PRADESH ELECTRICITY REGULATORY COMMISSION

Record of Proceedings

dated 25-09-2024

IA No.1 of 2024 in OP No. 23 of 2022

M/s Ayana Ananthapuramu Solar Pvt., Ltd., Vs. NTPC, APSPDCL, APEPDCL

IA No.1 of 2024 in OP No. 24 of 2022

M/s Adani Solar Energy AP Seven Pvt. Ltd. Vs. NTPC, APEPDCL, APSPDCL

IA No.1 of 2024 in OP No. 25 of 2022

M/s Spring Agnitra Private Limited Vs. NTPC, APEPDCL, APSPDCL

IA filed in OP Nos. 23, 24 & 25 of 2022 for financial relief including carrying cost in terms of remand by Judgement dated 14-08-2024 of the Hon'ble Appellate Tribunal for Electricity in Appeal No. 419, 420 & 475 of 2023.

Sri Aniket Prasoon, learned counsel for the petitioner in IA No.1 of 2024 in OP No.23 of 2022; Sri Ashwin Ramanathan, counsel representing Sri PSS Bhargava, learned Counsel for the Petitioners in IA No.1 of 2024 in OP No. 24 of 2022; and Sri Rishabh Sehgal, learned counsel assisted by Ms.Molshree Bhatnagar, Advocate, in IA No.1 of 2024 in OP No. 25 of 2022; Sri Deepak Chowdary, counsel, representing NTPC ; and Sri P.Shiva Rao, learned Standing Counsel for the respondents, are present at the hearing.

Heard the learned counsel for both sides. Having regard to the fact that the Hon'ble APTEL has set aside this Commission's Common Order dated 28-03-2023 passed in OP Nos.23,24&25 of 2022 and remanded the matters for passing a fresh order on the quantum of amount to be awarded in favour of the Petitioners towards SGD, the OPs are restored to file. As regards the other reliefs claimed in the respective IAs for quantifying the amounts payable to the

Petitioners towards the SGD including GST and other taxes, if any, Sri P.Shiva Rao, learned standing counsel for the respondent requested time for filing counters. Four weeks' time is, accordingly, granted. Ten days' time for filing Rejoinder, if any, is granted to the Petitioners.

Call on 13-11-2024.

Sd/-
MEMBER/PVRR

Sd/-
CHAIRMAN

Sd/-
MEMBER/TRS

ANDHRA PRADESH ELECTRICITY REGULATORY COMMISSION

**Record of Proceedings
dated 25-09-2024**

OP No. 54 of 2024

**M/s Hinduja National Power Corporation Ltd., Vs. APSPDCL, APEPDCL,
APCPDCL**

Petition under Section 62 read with Regulation 13 of 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 for determination of base rate of variable charges qua the domestic coal as on 01.04.2024 for 1040 MW (2 x 520 MW) Thermal Power Project in terms of the liberty granted by this Hon'ble Commission vide Order dated 01.08.2022 in Petition No. 01.08.2022 in O.P. No. 21 Of 2015 and O.P. No. 19 of 2016

Ms. Grancy Bonam, 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 P.Shiva Rao, learned standing counsel for the respondent, requested four weeks' time for filing counter. Time is accordingly granted. Two weeks' time for filing Rejoinder, if any, on the Counter filed by the Respondent is granted.

Call on 13-11-2024.

Sd/-
MEMBER/PVRR

Sd/-
CHAIRMAN

Sd/-
MEMBER/TRS

ANDHRA PRADESH ELECTRICITY REGULATORY COMMISSION

**Record of Proceedings
dated 25-09-2024**

OP No. 55 of 2024

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

OP No. 56 of 2024

M/s Vaayu (India) Power Corp., Ltd. Vs. APSPDCL, APTRANSCO & APPCC

Petitions filed under Section 86(l)(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 (PPAs), inter alia seeking directions to the Respondents to re-evaluate the calculations of Late Payment Surcharge (LPS) in terms of the Power Purchase Agreements and forthwith release the payment of same.

Sri Aniket Prasoon, 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 respondents, requested time for filing counters. Four weeks' time is, accordingly, granted. At the request of Sri Aniket Prasoon, learned counsel for the petitioner, two weeks' time for filing rejoinders is granted.

Call on 13-11-2024

Sd/-
MEMBER/PVRR

Sd/-
CHAIRMAN

Sd/-
MEMBER/TRS

ANDHRA PRADESH ELECTRICITY REGULATORY COMMISSION

**Record of Proceedings
dated 25-09-2024**

**OP No. 31 of 2024
M/s Bharath Wind Farm Limited Vs. APSPDCL**

(Petition filed under Section 86(1)(b)(e) and (f) of the Electricity Act, 2003 seeking Refund of the Grid support charges levied by the respondent-APSPDCL)

Sri Deepak Chowdary, counsel representing Sri Anand K. Ganesan, 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 in part (vide separate order).

Sd/-
MEMBER/PVRR

Sd/-
CHAIRMAN

Sd/-
MEMBER/TRS

ANDHRA PRADESH ELECTRICITY REGULATORY COMMISSION

**Record of Proceedings
dated 25-09-2024**

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.

Sri Challa Viswanath, counsel representing Sri S.Vivek Chandrasekhar, learned counsel for the petitioners; Sri Dande Rajendra, Chief General Manager(PP), APPCC; Sri M.V.Muralidhar, General Manager (Finance), APPCC; 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

ANDHRA PRADESH ELECTRICITY REGULATORY COMMISSION

**Record of Proceedings
dated 25-09-2024**

OP No. 25 of 2024

**M/s SEI Green Flash Pvt. Ltd., Vs. Sri K. Santosha Rao, Chairman &
Managing Director, Southern Power Distribution Company
of Andhra Pradesh (APSPDCL)**

(Petition filed under Section 142 read with Section 146 of the Electricity Act, 2003 and Regulations 55 and 62 of the APERC (Conduct of Business) Regulations, 1999 seeking appropriate action, implementation and compliance of the Common Order dated 01.02.2023 passed by this Hon'ble Commission)

Sri Deepak Chowdary, counsel representing Dr.Navya Jannu, learned counsel for the petitioner; Sri K.Santosha Rao, Chairman & Managing Director, APSPDCL, and Sri P.Shiva Rao, learned standing counsel for the respondents, are present at the hearing.

The learned counsel for the petitioner submitted that his client has received the principal amount; but however, the LPS, which was directed by the Commission to be paid, has not been paid to the petitioner.

Sri P. Shiva Rao, learned standing counsel for the respondent, submitted that the Petitioner was requested to waive the LPS amount and that so far no response has been received from the Petitioner. Whether LPS could be waived or not is a matter which falls within the discretion of the Petitioner. Since the relief was already granted in favour of the Petitioner in respect of payment of LPS, unless an out of court settlement is arrived at, the Respondent cannot avoid

payment of LPS. However, since time is requested by the learned Standing Counsel for knowing the response from the Petitioner and taking appropriate steps for compliance of the order of this Commission, four weeks' time is, accordingly, granted.

By the next date of hearing, full compliance of this order shall be reported in the event the Petitioner is not agreeing for waiver of LPS.

Call on 13-11-2024

Sd/-
MEMBER/PVRR

Sd/-
CHAIRMAN

Sd/-
MEMBER/TRS

ANDHRA PRADESH ELECTRICITY REGULATORY COMMISSION

**Record of Proceedings
dated 25-09-2024**

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. 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

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.

These OPs are disposed of (vide separate order)

Sd/-
MEMBER/PVRR

Sd/-
CHAIRMAN

Sd/-
MEMBER/TRS

ANDHRA PRADESH ELECTRICITY REGULATORY COMMISSION

**Record of Proceedings
dated 25-09-2024**

OP No. 40 of 2024

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

Petition 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

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 respondents, requested time for filing counter. Four weeks' time is, accordingly, granted.

Call on 06-11-2024

Sd/-
MEMBER/PVRR

Sd/-
CHAIRMAN

Sd/-
MEMBER/TRS

ANDHRA PRADESH ELECTRICITY REGULATORY COMMISSION

**Record of Proceedings
dated 25-09-2024**

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.

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

The OPs are disposed of (vide separate order).

Sd/-
MEMBER/PVRR

Sd/-
CHAIRMAN

Sd/-
MEMBER/TRS

ANDHRA PRADESH ELECTRICITY REGULATORY COMMISSION
Record of Proceedings
dated 25-09-2024

OP No. 21 of 2024

Andhra Pradesh Power Development Corporation Ltd., Vs.
APSPDCL, APEPDCL, APCPDCL

(Petition filed under Sections 62 and 64 of the Electricity Act, 2004 seeking determination of Additional Capital Cost and Tariff for 2x800 MW Stage-I SDSTPS for the 5th Control Period 2024-2029, determination of Capital Cost & Tariff for 1x800 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 1x800 MW Stage-II SDSTPS for the 5th Control Period 2024-2029 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.

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 A.P).

Sri KVN Chakradhar Babu IAS, Managing Director, APGENCO & Chairman, APPDCL; Sri K.Gopal Chowdary learned counsel for the Petitioners; and Sri P.Shiva Rao, learned Standing Counsel for the respondents, are present at the hearing.

Sri M. Venugopala Rao, Sri Ch. Babu Rao, and Sri Shiva Kumar, learned objectors, participated in the hearing through virtual mode.

Heard. Orders Reserved.

Sd/-
MEMBER/PVRR

Sd/-
CHAIRMAN

Sd/-
MEMBER/TRS

ANDHRA PRADESH ELECTRICITY REGULATORY COMMISSION

**Record of Proceedings
dated 25-09-2024**

**Review IA No.1 of 2024
in OP No. 40 2020**

M/s Victory Power Systems Private Limited Vs. APSPDCL

(Review Interlocutory Application filed under Section 86(l)(f) read with Sections 86(l)(b) & 86(i)(e) of the Electricity Act, 2003 r/w. Clause 55(1) of the APERC (Conduct of Business) Regulations, 1999, as amended from time to time, seeking modification of order dated 01.03.2023 passed by this Commission in O.P No. 40/2020)

Sri K.Gopal 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.

Review IA is disposed of (vide separate order).

Sd/-
MEMBER/PVRR

Sd/-
CHAIRMAN

Sd/-
MEMBER/TRS

ANDHRA PRADESH ELECTRICITY REGULATORY COMMISSION

**Record of Proceedings
dated 25-09-2024**

**IA No. 2 of 2024 in
OP No. 17 of 2023**

**M/s ACME Solar Holdings Ltd. & 5 Others Vs. APSPDCL, APTRANSCO ,
APSLDC & APPCC**

(IA No. 2 of 2024: Interlocutory Application filed in OP No.17 of 2023 seeking clarification of the Order dated 19.06.2024 passed by this Hon'ble Commission in OP No.17 of 2023).

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.

After hearing the learned counsel for the both parties, we found that no clarification is required in this matter as the order doesn't suffer from any ambiguity . Accordingly, the application is dismissed.

Sd/-
MEMBER/PVRR

Sd/-
CHAIRMAN

Sd/-
MEMBER/TRS

ANDHRA PRADESH ELECTRICITY REGULATORY COMMISSION

**Record of Proceedings
dated 25-09-2024**

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.

Affidavit has been filed in terms of order dated 24-07-2024. Sri P. Shiva Rao, learned standing counsel for the respondent requested time for filing response, if any.

Call on 13-11-2024.

Sd/-
MEMBER/PVRR

Sd/-
CHAIRMAN

Sd/-
MEMBER/TRS