

Record of Proceedings Dated 13-12-2023

OP No. 64 of 2023

M/s. Adani Renewable Energy Devco Private Limited 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 29.06.201,8 entered into between the Petitioner and APSPDCL-Respondent No.1, seeking a direction to Respondent No.1 to pay Rs.29.52,552/- due as on August, 2023 and payable against late payment surcharge and pendent lite interest)

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.

Counter is filed. At the request of the learned counsel for the petitioner, three weeks' time for filing a reply is granted.

Call on 24-01-2024.

**Sd/-
MEMBER/PVRR**

**Sd/-
CHAIRMAN**

**Sd/-
MEMBER/TRS**

OP No. 59 of 2023

M/s Indian Oil Corporation Ltd Vs. APSPDCL

(Petition filed under Section 86(1)(f) of the Electricity Act, 2003 R/w APERC (Conduct of Business) Regulations, 1999 seeking a direction to the respondent for releasing payment against the outstanding monthly invoices towards sale of wind energy along with interest/ delayed payment surcharge on such delayed payments, as per Articles 2.2 and 5.2 of the Power Purchase Agreements dated 08-05-2012, 31-03-2012, 21-03-2013 and 18-07-2014)

Sri Deepak Chowdary, counsel representing Sri Challa Gunaranjan, learned counsel for the Petitioner; Sri P.Shiva Rao, learned standing counsel for the respondent, are present at the hearing.

Further time for filing rejoinder is prayed for. Time is, accordingly, granted finally.

Call on 07-02-2024.

**Sd/-
MEMBER/PVRR**

**Sd/-
CHAIRMAN**

**Sd/-
MEMBER/TRS**

OP No. 63 of 2023**M/s. Narasimha Swamy Solar Power Pvt Ltd. Vs. APTRANSCO & APSPDCL**

(Petition filed under Section 42, 86(1)(e) read with Section 86(1)(f) of the Electricity Act, 2003 to declare the action of the respondents in delaying Open Access settlement Process; in reducing the banked energy and in only paying 50% of the Average Pooled Power Purchase Cost for the unutilized banked energy as illegal, arbitrary and contrary to the A.P Solar Power Policy 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 also to direct the respondents to release the amount for the unutilized banked energy to the petitioner in accordance with the A.P. Solar Power Policy 2015 along with interest @12% pa., from the date the amount fell due to till the date of realisation)

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.

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

Call on 07-2-2024 for hearing.

**Sd/-
MEMBER/PVRR**

**Sd/-
CHAIRMAN**

**Sd/-
MEMBER/TRS**

OP No. 117 of 2021**Hindupur Solar Park Pvt. Ltd., Vs. APSLDC & SPDCL****and****OP No. 118 of 2021****Hindupur Solar Park Pvt. Ltd., Vs. APSLDC & SPDCL**

(Petitions 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 APSLDC/Respondent No.1 and sought appropriate orders, *inter alia*, against the Respondents not to issue curtailment instructions and direct them to pay the amounts due towards deemed generation)

Sri Chetan Garg, counsel representing Sri Hemant singh, learned counsel for the petitioner; Sri P.Shiva Rao, learned Standing Counsel for the respondents, are present at the hearing.

Pleadings are complete.

At the request of the learned counsel for both the parties, call on 24-01-2024 for hearing.

**Sd/-
MEMBER/PVRR**

**Sd/-
CHAIRMAN**

**Sd/-
MEMBER/TRS**

**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
(Petitions under Section 86 (1) (e) & (f) of the Electricity Act, 2003 r/w Clause- 55 of the
APERC (Conduct of Business) Regulations, 1999, (as amended) and r/w Article-10 of the
PPAs seeking a direction to the respondent to pay the outstanding dues, late payment
charges, interest etc)**

Ms. Shriya Mishra, Deputy Manager (Legal), representing Sri V.Akshaya Babu, learned counsel for the petitioners; and Sri P.Shiva Rao, learned Standing Counsel for the respondent, are present at the hearing.

They submitted that a batch of similar cases, viz., OP No.18 of 2022 and batch, has been adjourned to 10-01-2024 and a request is, accordingly, made to call these cases along with the said batch.

Call these cases, accordingly, on 10-01-2024 along with OP No.18 of 2022 and batch.

**Sd/-
MEMBER/PVRR**

**Sd/-
CHAIRMAN**

**Sd/-
MEMBER/TRS**

OP No.1 of 2019 & Batch

(OP No. 1 of 2019 M/s Axis Wind Farms (Uravakonda) Pvt. Ltd.
OP No. 2 of 2019 M/s Axis Wind Farms (Ahobilam) Pvt. Ltd.
OP No. 3 of 2019 M/s Axis Wind Farms (Vajrakarur) Pvt. Ltd.
OP No. 4 of 2019 M/s Axis Wind Farms (Pottipadu) Pvt. Ltd.
OP No. 5 of 2019 M/s Axis Wind Farms (Beluguppa) Pvt. Ltd.
OP No. 6 of 2019 M/s Axis Wind Farms (Penna) Pvt. Ltd.
OP No. 7 of 2019 M/s Axis Wind Farms (Manirevu) Pvt. Ltd.
OP No. 8 of 2019 M/s Axis Wind Farms (AP) Pvt. Ltd..
OP No. 9 of 2019 M/s Axis Wind Farms (Amidyala) Pvt. Ltd.
OP No. 10 of 2019 M/s Axis Wind Farms (Godavari) Pvt. Ltd.
OP No. 11 of 2019 M/s Axis Wind Farms (Kalyandurg) Pvt. Ltd.
OP No. 12 of 2019 M/s Axis Wind Farms (Raketla) Pvt. Ltd.
OP No. 13 of 2019 M/s Axis Wind Farms (Borampalli) Pvt. Ltd.
OP No. 14 of 2019 M/s Axis Wind Farms (Seerpi) Pvt. Ltd.
OP No. 15 of 2019 M/s Axis Wind Farms (Golla) Pvt. Ltd.
OP No. 16 of 2019 M/s Axis Wind Farms (Chapri) Pvt. Ltd.
OP No. 22 of 2019 M/s SV Renewable Energy
OP No. 23 of 2019 M/s Axis Wind Farms (Krishna) Pvt. Ltd.,
OP No. 24 of 2019 M/s Axis Wind Farms (Tungabhadra) Pvt. Ltd.,
OP No. 25 of 2019 M/s Pujaa Shree Renewable Energy Won Pvt. Ltd.
OP No. 26 of 2019 M/s G T Renewable Energy)

Vs.

APSPDCL

(Petitions filed under Sections 61(h), 62(1)(a), 64(1), 86(1)(a), 86(1)(b) and 86(1)(e) of the Electricity Act, 2003 read with CERC (Terms and Conditions for Tariff Determination from Renewable Energy Sources) Regulations, 2017 and Section 21 of the A.P. Electricity Reform Act, 1998 to determine the tariff for Wind Power Projects)

Sri Deepak Chowdhury, learned counsel for the Petitioners; and Sri P.Shiva Rao, learned Standing Counsel for the Respondent; are present at the hearing.

Additional affidavit was filed by the respondent yesterday.

Sri Deepak Chowdhury requested time for making further submissions.

Call on 07-02-2024.

**Sd/-
MEMBER/PVRR**

**Sd/-
CHAIRMAN**

**Sd/-
MEMBER/TRS**

OP No. 64 of 2022

APEPDCL & APSPDCL Vs. M/s. Spectrum Power Generation Ltd.,

(Petition filed under Section 86(1)(f) of the Electricity Act, 2003 read with Clause-55 of APERC (Conduct of Business) Regulations, 1999 seeking to determine the tariff for procurement of power for the past period covering 19th April, 2016 to March, 2017 (FY 2016-17) at Rs.3.18 ps per unit, single part, for all the units procured from the respondent).

IA No.1 of 2023:

This application is filed by the respondent for reopening of OP No. 64 of 2022 for the purpose of taking on record the additional counter and hearing.

IA No.1 of 2023:

Sri P.Shiva Rao, learned Standing Counsel for the Petitioners; and Sri M. Naga Deepak, learned counsel for the respondent, are present at the hearing.

Heard. The application is ordered.

OP No. 64 of 2022:

Heard. O.P. is disposed of (vide: separate Order).

**Sd/-
MEMBER/PVRR**

**Sd/-
CHAIRMAN**

**Sd/-
MEMBER/TRS**

OP No. 27 of 2023

M/s Balaji Energy Pvt. Ltd. Vs. APSPDCL, APTRANSCO & APPCC

(Petition filed under Section 86(1)(f) read with 86(1)(k) of the Electricity Act 2003 read with Clause-55 of the APERC (Conduct of Business) Regulations 1999 seeking to declare the action of respondents 1 and 2 in not considering the Actual Generation during the month as Scheduled Energy at the time of settlement of Petitioner's Account with its O.A. Consumer as being void, illegal, arbitrary and contrary to the provisions of the Electricity Act, 2003 and Open Access Regulations dated 02-6-2006; and, consequently, to direct the respondents to pay an amount of Rs.2,48,79,546/- (for 2x 4 MW) to the petitioner along with 12% interest at quarterly rests for the period from October 2019, November 2019, December 2019, April 2020, May 2020 and June 2020 in respect of the power drawn and for the quantity deducted and not accounted for at the time of settlement)

&

OP No. 28 of 2023**M/s Balaji Energy Pvt. Ltd, Vs. APSPDCL, APTRANSCO & APPCC**

(Petition filed under Section 86(1)(f) read with 86(1)(k) of the Electricity Act 2003 read with Clause-55 of the APERC (Conduct of Business) Regulations 1999 seeking to declare the action of the respondents 1 and 2 in not considering the Actual Generation during the month as Scheduled Energy at the time of settlement of Petitioner's Account with its O.A. Consumer as being void, illegal, arbitrary and contrary to the provisions of the Electricity Act, 2003 and Open Access Regulations dated 2-6-2006; and, consequently, direct the respondents to pay an amount of Rs.28,76,193/- (for 2x 1.5 MW) to the petitioner along with 12% interest at quarterly rests for the period October 2019, November 2019, December 2019, April 2020, May 2020 and June 2020 in respect of the power drawn and for quantity deducted and not accounted for at the time of settlement)

Sri M. Naga Deepak, learned Counsel for the petitioner; and Sri P.Shiva Rao, learned Standing Counsel for the respondents; are present at the hearing.

Heard. Both the OPs are disposed of (vide: separate Common Order)

**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

OP No.54 of 2023:

(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)

&

IA No. 1 of 2023:

(This application is filed seeking to direct the Respondents not to levy and demand transmission and wheeling charges for wheeling power generated from the petitioner's Solar Power Plant at Bonga Ravulapadu village, Varikuntapdu Mandal, SPSR Nellore District, Andhra Pradesh, pending adjudication of the main petition)

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.

Further adjournment is requested by the learned counsel for the petitioner.

Call on 07-2-2024.

Sd/-
MEMBER/PVRR

Sd/-
CHAIRMAN

Sd/-
MEMBER/TRS