

Record of Proceedings Dated. 07-02-2024

OP No.2 of 2024

APCPDCL,APSPDCL,APEPDCL Vs. APGENCO

Petition filed for Granting consent for extending the existing composite PPA for old stations of APGENCO (Dr.NTTPs Stage-1, II, III, RTPP Stage-1 and Hydel Plants)

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

Since the subject matter pertains to permission to enter into a PPA for a further period of 10 years from 01-04-2024 to 31-03-2034 with the Respondent APGENCO, and also for fixation of tariff for the said period, the matter is required to be placed in the public domain. Accordingly, the Petitioner shall carry-out paper publication in terms of Section 64(2) of the the Electricity Act, 2003 in two newspapers, one in Sakshi (Telugu) and the other in Deccan Chronicle (English) of Andhra Pradesh Editions and file the same on the next date of hearing.

Call on 06-03-2024.

Sd/-
MEMBER/PVRR

Sd/-
CHAIRMAN

Sd/-
MEMBER/TRS

OP No. 83 of 2023

M/s.Eaama Estates Private Limited Vs. APEPDCL & APPCC

(Petition under Section 86(1)(f) of the Electricity Act, 2003, R/w APERC (Conduct of Business) Regulations, 1999 seeking a direction to the respondents for releasing payment against the outstanding monthly invoices towards sale of energy along with the delayed payment surcharge on such delayed payments and interest on delayed payment as per Articles 2.2 and 5.2 of the Power Purchase Agreement dated 04.12.2014).

Sri Deepak Chowdary, learned Counsel for the Petitioner; and

Sri P.Shiva Rao, learned Standing Counsel for the respondents, are present at the hearing.

OP is partly allowed (vide separate Order).

Sd/-
MEMBER/PVRR

Sd/-
CHAIRMAN

Sd/-
MEMBER/TRS

OP No. 66 of 2023

M/s. Natems Solar Power Private Limited Vs. APSPDCL, APSLDC

(Petition filed under Section 86(1)(f) of the Electricity Act, 2003 for adjudication of the disputes arising from the arbitrary, unfair, and illegal actions of the Respondents, inter alia, in - (a) coercing the Petitioner into submitting the Impugned Undertakings dated 31.08.2020, 31.05.2021 and 28.12.2021 and thereby depriving the Petitioner of its statutory right to receive compensation for over-injection; (b) seeking payment of UI Charges for under-injection by way of the Impugned Memos and the Impugned Bill instead of providing a net-off of over and under-injection charges; (c) wrongfully levying extra 5% deviation charges for under-injection for the period from 01.01,2021 to 30.09.2021 and 01.11.2021 to 30.04.2022 in contravention of the 2017 RE Deviation Regulations; and (d) threatening disconnection of the Petitioner's Solar Project by way of the Impugned Bill, the same being in blatant contravention of the APERC (Terms and Conditions of Open Access) Regulation, 2005 and APERC Forecasting, Scheduling and Deviation Settlement of Solar and Wind Generation Regulation, 2017 and resulting in undue financial hardship to the Petitioner)

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

The OP is accordingly closed (vide separate order).

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.

Sri Deepak Chowdary submitted that, though his office has shared a draft rejoinder to the Petitioner, so far they have not sent the signed copy of the Rejoinder to the counsel's office. He requested that the OP may be posted for hearing along with LPS batch by deeming that no Rejoinder is filed. The request is accordingly accepted.

Call the case along with LPS batch on 21-02-2024.

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

(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)

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 Y.Shreyas Reddy, counsel submitted that on 23-01-2024, the government has addressed a letter to the APTRANSCO which has a bearing on

this case. He requested an adjournment for filing the said letter long with a Memo. The case is accordingly adjourned.

Call on 06-03-2024.

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.

After arguing the case for some time, both the learned counsels requested for adjournment for making further submissions.

Call on 06-03-2024.

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.

Sri Deepak Chowdhury, has once again requested an adjournment on the ground that the learned senior counsel is otherwise busy. This is the oldest case

pending on this file. The RoP is self speaking. To put it briefly, at one point of time the Respondents have submitted a Memo stating that in view of the precarious financial position of the APDISCOMs and consequent inability to bear the additional financial burden involved in purchasing power from 21 number of wind developers, AP DISCOMs have decided to withdraw the PPAs entered with various wind power projects, clients of M/s Suzlon Energy Limited and M/s Axis Energy Ventures India private limited and that since the PPAs are not yet approved, the same is not enforceable and the APSPDCL is at liberty to withdraw the same. Accordingly permission was requested to withdraw the 21 PPAs. However, the Petitioner approached the Hon'ble APTEL questioning the said withdrawal application.

The Hon'ble APTEL has stayed the proceedings by its order dated. 07-08-2019, as a result of which, the case is kept in a limbo till the case before the APTEL was withdrawn by the Petitioners themselves. The proceedings were again resumed before this Commission from 15-03-2023. Since then the case underwent as many as seven adjournements. The learned senior counsel Sri P.Sriraghuram has made his part submissions during one of the hearings on 18-10-2023 and the case was adjourned for filing an additional affidavit to substantiate the plea that there is a requirement for procuring power for the Respondents. The learned senior counsel also undertook to file convenience volume for easy reference. As promised, an additional affidavit was filed and on 13-12-2023 the case was adjourned at the request of Sri Deepak Chowdhury on

the ground that the learned senior counsel is not able to attend the hearing as he was busy otherwise. Even today when the case is called, Sri Deepak chowdhry requested further adjournment on the same ground. Having given our earnest consideration, we are of the opinion that the adjudication of this case does not brook further delay. In spite of affording reasonable opportunities, further adjournments are being sought. Therefore, while declining the request for adjournment, we have afforded an opportunity to Sri Deepak Chowdhury to make his submissions. He however submitted that learned senior counsel Sri SriRaghuram would like to make his submissions. As the case is long pending, we are not inclined to adjourn the case further. However, we would like to offer a fair opportunity to the Petitioner by allowing the learned counsel to make brief written submissions which will be considered by the Commission while making its order. Two weeks' time is accordingly granted for filing such submissions.

Sri P. Shiva Rao has submitted that from the Respondents' side he would not like to file any written submissions. Accordingly, hearing of OP is closed subject to the liberty given to the counsel for the Petitioner as above.

Sd/-
MEMBER/PVRR

Sd/-
CHAIRMAN

Sd/-
MEMBER/TRS