

Record of Proceedings dated 02-02-2022

O.P.No.29 of 2020
M/s. Vaayu (INDIA) Power Corporation Limited

Public hearing in the matter of Petition for approval of the generic tariff at Rs.3.43/- per unit for sale of wind power by the Petitioner to DISCOM for all the Seven PPAs, after expiry of the 10 year period in terms of the Order dated 01.05.2009 passed by this Hon'ble Commission in O.P Nos.6 and 7 of 2009

Sri Sajan Poovayya, learned senior counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the DISCOMs and Sri. M. Venugopala Rao, learned objector are present at the web hearing.

A Memo along with the Auditor's Certificate has been filed by the petitioner. Sri M. Venugopal Rao submitted that he has not received the papers. Sri Sajan Poovayya assured that the papers would be served on Sri M.Venugopal Rao. Call on 16-03-2022 for hearing.

Sd/-
MEMBER / TRS

Sd/-
CHAIRMAN

Sd/-
MEMBER / PRR

OP No. 106 of 2021
APEPDCL

Public hearing in the matter of 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 for the year 2017-18 to be considered for the year 2018-19

OP No. 107 of 2021
APEPDCL

Public hearing in the matter of 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 for the year 2018-19 to be considered for the year 2019-20

OP No. 108 of 2021
APEPDCL

Public hearing in the matter of 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 for the year 2019-20 to be considered for the year 2020-21

Sri P. Shiva Rao, learned Standing Counsel for the petitioners and Sri. Vishal Gupta, learned counsel representing Indian Wind Power Association are present at the web hearing.

Sri Vishal Gupta submitted that he has instructions to appear for Indian Wind Power Association and that as certain data relating to power purchases is not available, he is not able to file his client's objections. It is suggested to the Counsel that he may send an e-mail to Sri P. Shiva Rao on the details of data required to be furnished. Within one week of receipt of such e-mail, the petitioners shall furnish the required data relevant for adjudication of these Petitions. Call on 16-03-2022.

Sd/-
MEMBER / TRS

Sd/-
CHAIRMAN

Sd/-
MEMBER / PRR

OP No. 109 of 2021
APSPDCL

Public hearing in the matter of 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 for the year 2017-18 to be considered for the year 2018-19

OP No. 110 of 2021
APSPDCL

Public hearing in the matter of 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 for the year 2018-19 to be considered for the year 2019-20

OP No. 111 of 2021
APSPDCL

Public hearing in the matter of 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 for the year 2019-20 to be considered for the year 2020-21

Sri P. Shiva Rao, learned Standing Counsel for the petitioners and Sri. Vishal Gupta, learned counsel representing Indian Wind Power Association are present at the web hearing.

Sri Vishal Gupta submitted that he has instructions to appear for Indian Wind Power Association and that as certain data relating to power purchases is not available, he is not able to file his client's objections. It is suggested to the Counsel that he may send an e-mail to Sri P. Shiva Rao on the details of data required to be furnished. Within one week of receipt of such e-mail, the petitioners shall furnish the required data relevant for adjudication of these Petitions. Call on 16-03-2022.

Sd/-
MEMBER / TRS

Sd/-
CHAIRMAN

Sd/-
MEMBER / PRR

OP No. 1 of 2022 & IA No 1 of 2022
Greenko Uravakonda Wind Power Pvt. Ltd., Vs. APSPDCL

Petition under Section 86 (1) (e) & (f) of the Electricity Act, 2003 R/w. Regulation 55 of the APERC (Conduct of Business) Regulations, 1999 seeking directions to the Respondent among other things for payment of the outstanding dues and Late Payment Interest in terms of the Articles 5.2 & 5.3 of the PPA.

Petitioner also filed an application under Section 94 (1) (2) of the Electricity Act, 2003 R/w. Regulation 55 of the APERC (Conduct of Business) Regulations, 1999 seeking a direction to the Respondent to release at least 50% of the total outstanding amount.

OP No. 2 of 2022 & IA No 1 of 2022
Greenko Anaparthi Wind Power Pvt. Ltd. Vs. APSPDCL

Petition under Section 86 (1) (e) & (f) of the Electricity Act, 2003 R/w. Regulation 55 of the APERC (Conduct of Business) Regulations, 1999 seeking directions to the Respondent among other things for payment of the outstanding dues and Late Payment Interest in terms of the Articles 5.1, 5.2 & 5.3 of the PPA.

Petitioner also filed an application under Section 94 (1) (2) of the Electricity Act, 2003 R/w. Regulation 55 of the APERC (Conduct of Business) Regulations, 1999 seeking a direction to the Respondent to release at least 50% of the total outstanding amount.

Sri. V. Akshaya Babu, counsel for the petitioners and Sri P. Shiva Rao, learned Standing Counsel for the Respondent are present at the web hearing.

It is represented by Sri V. Akshaya Babu that W.A.No.138 of 2020 in which the petitioners filed I.As. for the reliefs identical to that claimed in these Petitions, is scheduled to be heard tomorrow by the Hon'ble High Court of Andhra Pradesh. In

view of the same, the O.Ps. are adjourned *sine die* with liberty to the petitioners to file applications for fixing the hearing date on the disposal of the said Writ Appeal.

Sd/-
MEMBER / TRS

Sd/-
CHAIRMAN

Sd/-
MEMBER / PRR

OP No. 3 of 2022 & IA No 1 of 2022
New Era Enviro Venture (Mahabubnagar) Pvt. Ltd. Vs. APSPDCL

Petition under Section 86 (1) (e) & (f) of the Electricity Act, 2003 R/w. Regulation 55 of the APERC (Conduct of Business) Regulations, 1999 seeking directions to the Respondent among other things for payment of the outstanding dues and Late Payment Interest.

Petitioner also filed an application under Section 94 (1) (2) of the Electricity Act, 2003 R/w. Regulation 55 of the APERC (Conduct of Business) Regulations, 1999 seeking a direction to the Respondent to release at least 50% of the total outstanding amount.

Sri. V. Akshaya Babu, counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the Respondent are present at the web hearing.

Sri P. Shiva Rao requested time for filing counter. Call on 16-03-2022.

Sd/-
MEMBER / TRS

Sd/-
CHAIRMAN

Sd/-
MEMBER / PRR

OP No. 113 of 2021
Vayu (India) Power Corporation Limited Vs. APTRANSCO, APPCC & APSPDCL

Petition filed under Section 86(1)(b), 86(1)(e) and 86(1)(f) of the Electricity Act, 2003 for specific performance of the Power Purchase Agreement dated 29-05-2010 and for a direction against the respondents to make payments of the outstanding amounts

Sri Vishal Gupta, learned counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the Respondents are present at the web hearing.

Counter is filed. Call on 16-03-2022 for hearing. Meanwhile, the petitioner may file rejoinder, if any.

Sd/-
MEMBER / TRS

Sd/-
CHAIRMAN

Sd/-
MEMBER / PRR

OP No. 116 of 2021
Chandulal Surajmal Vs. APTRANSCO & APSPDCL

Petition filed under section 86(1)(b), 86 (1)(b), 86(1)(e) and 86(1)(f) of the Electricity Act, 2003 for specific performance of the Power Purchase Agreement dated: 21-04-2010 and for direction against the Respondents for the payment of the outstanding amounts

Sri. A.P. Reddy, learned counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the Respondents are present at the web hearing.

Counter is filed. Call on 16-03-2022 for hearing. Meanwhile, the petitioner may file rejoinder, if any.

Sd/-
MEMBER / TRS

Sd/-
CHAIRMAN

Sd/-
MEMBER / PRR

OP No. 92 of 2021 & IA No. 1 of 2021
M/s. Sree Venkata Sreedevi Power LLP Vs. APSPDCL & APPCC

Petition under Section 86(1)(f) read with Section 86(1)(e) of the Electricity Act, 2003, Regulation 8 of the Andhra Pradesh Electricity Regulatory Commission (Conduct of Business) Regulations, 1999 as amended from time to time seeking direction to APSPDCL and APPCC for releasing payment against the outstanding interest on delayed payment of invoices towards sale of biomass energy as per the PPA.

The Petitioner also filed an application seeking directions to the respondents to release and make payment immediately to the petitioner.

Sri. Deepak Chowdhary representing Sri. Challa Gunaranjan, counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the respondents are present at the web hearing.

Counter is filed. Sri Deepak Chowdhary requested time for filing rejoinder. Two weeks' time is accordingly granted. Call on 23-03-2022 for hearing.

Sd/-
MEMBER / TRS

Sd/-
CHAIRMAN

Sd/-
MEMBER / PRR

OP No. 67 of 2021
Maddimadugu Power Pvt Ltd Vs. APSPDCL

Petition u/s 86 (1) (f) of the Electricity Act, 2003 seeking non-payment of agreed tariff payable to the petitioner (Solar Power Developer), as per the Power Purchase Agreement Dt.04-12-2014 with the respondent and unilaterally paying an unviable tariff of 2.44/kwh as against the escalated tariff of Rs.6.356/kwh as on 05-12-2020

Sri P. Shiva Rao, learned Standing Counsel for the Respondent and Sri. Harinath Rao, CMD / APSPDCL are present at the web hearing.

Sri Harinath Rao, the CMD of the respondent is personally present. He has submitted that a sum of Rs.4 crores was paid yesterday and that the respondent is making all out efforts to pay the balance dues. He requested three months' time for the said purpose. As the payment is overdue, the respondent is permitted to pay the balance outstanding amount in three equal monthly instalments commencing from today and report such payment as and when it is made. Call on 15-06-2022.

Sd/-
MEMBER / TRS

Sd/-
CHAIRMAN

Sd/-
MEMBER / PRR

O.P.No.12 of 2020 & I.A.No.3 of 2020 and IA No. 1 of 2021
M/s. Aarohi Solar Private Ltd.& 4 others Vs APSPDCL

Petition under Section 86 (1) (f) of the Electricity Act, 2003 for adjudication of disputes arising out of the Power Purchase Agreements dated 05-12-2014 entered by them with APSPDCL and seeking directions to the APSPDCL to act in accordance with terms of the PPA in connection with charges for drawl of power by their solar power generating stations for the auxiliary consumption.

I.A. No. 3 of 2020 filed u/s 94 (2) of the Electricity Act, 2003 sought for stay on the demand notices and invoices in connection with charges for drawl of power by the generating stations for their auxiliary consumption.

IA No. 1 of 2021 - Application filed by the petitioner u/s 94 (2) of the Electricity Act, 2003 seeking appropriate direction(s) / order(s) against the respondent to not initiate any coercive or precipitative actions against the applicants, till the final disposal of the present petition

Ms. Shefali Tripathi, counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the respondent are present at the web hearing.

Separate fee is paid by the petitioners. Office is directed to accept the same. Call on 16-03-2022 for hearing.

Sd/-
MEMBER / TRS

Sd/-
CHAIRMAN

Sd/-
MEMBER / PRR

O.P.No. 30 of 2020
M/s. Tadas Wind Energy Pvt. Ltd Vs. APSPDCL

Petition seeking immediate strict compliance by the DISCOM with the provisions of the various Power Purchase Agreements entered into between the parties and release of Amount Due

Sri. Avijeet Lala, counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the Respondent are present at the web hearing.

OP is disposed of (vide separate order)

Sd/-
MEMBER / TRS

Sd/-
CHAIRMAN

Sd/-
MEMBER / PRR

IA No. 46 of 2020 & IA No. 47 of 2020 in O.P.No. 48 of 2020
Guttaseema Wind Energy Company Pvt Ltd Vs. APSPDCL

Petition filed u/s 61 (h), 86 (1) (e) & 86 (1) (f) of the Electricity Act, 2003 r/w Regulation 55 of the APERC (Conduct of Business) Regulations, 1999 seeking directions to the Respondent

IA No. 46 of 2020 - Application filed u/s 94 (2) of the Electricity Act, 2003 seeking to suspend the notice bearing Lr. No. APSPDCL /TPT / CGM/IPC/GM/IPC/EE/F.456/D.No.86420 Dt.01-07-2020

IA No. 47 of 2020 - Application filed u/s 94 (2) of the Electricity Act, 2003 seeking directions to the Respondent to provide the synchronization approval to the petitioner for commissioning 20 MW wind power project (which has been ready for commissioning since June 2019)

Sri. Sanjay Sen, Senior counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the respondent are present at the web hearing.

Heard. Orders reserved.

Sd/-
MEMBER / TRS

Sd/-
CHAIRMAN

Sd/-
MEMBER / PRR

OP No. 78 of 2021 & IA No. 1 of 2021
Blyth Wind Park Pvt. Ltd. Vs. APTRANSCO, APSLDC, APSPDCL & APCPDCL

Petition under Section 86(1)(f) of the Electricity Act, 2003 ("Act") for adjudication of dispute arising from the action of Respondent No. 1/ APTRANSCO in directing the Petitioner to pay (Inter-Discom) transmission charges and transmission losses in

kind for 17.2MW capacity for the period 01.04.2020 to 06.11.2020 in contravention of the terms of the Long Term Open Access Amendment Agreement dated 06.11.2020 and Andhra Pradesh Electricity Regulatory Commission (Terms and Conditions of Open Access) Regulation, 2005 (Regulation No.2 of 2005) and the Amendments thereto.

Application under Section 94 of the Electricity Act, 2003 and Clause 16 r/w Clause 55 of the APERC (Conduct of Business) Regulations, 1999 to bring on record subsequent facts and additional documents

Ms. Mazag Andrabi, counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for respondents are present at the web hearing.

Heard the learned Counsel for both parties. Both the parties are permitted to file brief written submissions along with the Judgements, if any, within one week. Orders reserved.

Sd/-
MEMBER / TRS

Sd/-
CHAIRMAN

Sd/-
MEMBER / PRR

O.P.No. 43 of 2020
APPDCL Vs. APSPDCL, APEPDCL, APCPDCL, APTRANSCO & APGENCO

Petition u/s 86 (1) (f) of the Electricity Act, 2003 for adjudication of dispute relating to payment of Fixed Charges to APPDCL upon diversion of Flexi coal from RTPP - I & III Stages of APGENCO to SDSTPS / Stage-I of APPDCL during FY2018-19 & 2019-20

Sri. K. Gopal Choudary, counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the respondents are present at the web hearing.

Sri P. Shiva Rao submitted that reconciliation proceedings are in progress and that the Government requires some more time for settlement of the issues. In view of the said submission, call on 15-06-2022.

Sd/-
MEMBER / TRS

Sd/-
CHAIRMAN

Sd/-
MEMBER / PRR

OP No. 91 of 2021
M/s. JSW Power Trading Company Ltd Vs. APSPDCL

Petition under Section 142 of the Electricity Act, 2003 r/w Regulation 55 of the
APERC (Conduct of Business) Regulation, 1999 seeking imposition of punishment
on the respondent for dis-obeying the orders dated.06.03.2020 passed by this
Hon'ble Commission in O. P. No. 34 of 2019.

Sri. Aman Anand, counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the respondent and Sri Harinath Rao, the CMD / APSPDCL are present at the web hearing.

Sri Harinath Rao, the CMD of the respondent is personally present. He has submitted that as directed by the Commission on 15-12-2021, 1/4th of the amount has been paid and that the respondent is making all out efforts to pay the balance dues. He requested three months' time for the said purpose. As the payment is overdue, the respondent is permitted to pay the balance outstanding amount in three equal monthly instalments commencing from today and report such payment as and when it is made. Call on 15-06-2022.

Sd/-
MEMBER / TRS

Sd/-
CHAIRMAN

Sd/-
MEMBER / PRR

O.P.No.14 of 2020
M/s. Vish Wind Infrastructure LLP Vs APTRANSCO & 2 others

Petition filed under Section 86 (1)(b), 86(1)(e) and 86(1)(f) of the Electricity Act,
2003, for specific performance of the three Power Purchase Agreements dated
11-10-2012 and for a direction against the Respondents for payments of the
outstanding amounts

Sri. Vishal Gupta, learned counsel for the petitioners and Sri P. Shiva Rao, learned Standing Counsel for the respondents are present at the web hearing.

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

Sd/-
MEMBER / TRS

Sd/-
CHAIRMAN

Sd/-
MEMBER / PRR

O.P.No.15 of 2020

M/s. Vish Wind Infrastructure LLP Vs APTRANSCO & 2 others

Petition filed under Section 86 (1)(b), 86(1)(e) and 86(1)(f) of the Electricity Act, 2003, for specific performance of the Power Purchase Agreements dated 30-10-2010 & 17-12-2011 and for a direction against the Respondents for payments of the outstanding amounts

Sri. Vishal Gupta, learned counsel for the petitioners and Sri P. Shiva Rao, learned Standing Counsel for the respondents are present at the web hearing.

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

Sd/-
MEMBER / TRS

Sd/-
CHAIRMAN

Sd/-
MEMBER / PRR

OP. No. 87 of 2021

M/s. NSL Sugars (Tungabhadra) Ltd Vs. APPCC, APSPDCL, APEPDCL & CGM/P&MM, IPC, APSPDCL

OP. No. 88 of 2021

M/s. NSL Sugars Ltd Vs. APPCC, APSPDCL, APEPDCL & CGM/P&MM, IPC, APSPDCL

Petition filed u/s 142 of the Electricity Act, 2003 r/w Regulation 55 of the APERC (Conduct of Business) Regulations, 1999 for violating and disobeying the orders passed by this Commission dt. 30-03-2019

Sri. Deepak Chowdary representing Sri. Challa Gunaranjan, counsel for the petitioner and Sri. Sri P. Shiva Rao, learned Standing counsel for the Respondents are present at the web hearing.

OPs are closed (vide separate common order)

Sd/-
MEMBER / TRS

Sd/-
CHAIRMAN

Sd/-
MEMBER / PRR