

Record of Proceedings Dated 03-05-2023

Revision petition No.1 of 2023

M/s National Highways Authority of India Vs. Sri. K. Rama Rao & 2 Others

(Petition under section 13(2) of AP Works of Licensees Rules 2007 against the orders passed by District Collector & District Magistrate NTR District
rc.coord-3/977/2022 dt. 23-11-2022)

Revision petition No. 2 of 2023

M/s National Highways Authority of India Vs. Sri. M. Sethu Narayana Rao, & 11 Others

(Petition under section 13(2) of AP Works of Licensees Rules 2007 against the orders passed by District Collector & District Magistrate NTR District
rc.coord-3/977/2022 dt. 23-11-2022)

Revision petition No. 3 of 2023

M/s National Highways Authority of India Vs. Sri.V.Chalapathi Rao, & 16 Others

(Petition under section 13(2) of AP Works of Licensees Rules 2007 against the orders passed by District Collector & District Magistrate NTR District
rc.coord-3/977/2022 dt. 23-11-2022)

Revision petition No. 4 of 2023

M/s National Highways Authority of India Vs. Smt. B.Prabhavathi & 4 Others

(Petition under section 13(2) of AP Works of Licensees Rules 2007 against the orders passed by District Collector & District Magistrate NTR District
rc.coord-3/977/2022 dt. 23-11-2022)

Revision petition No. 5 of 2023

M/s National Highways Authority of India Vs. Sri. B.Kishore Reddy & 11 Others

Petition under section 13(2) of AP Works of Licensees Rules 2007 against the orders passed by Joint District Collector & Additional District Magistrate NTR District
rc.coord-1981/Coordin-7/kco dt. 10-10-2022

Revision petition No. 6 of 2023

M/s National Highways Authority of India Vs. Sri. A.Ammi Reddy & 37 Others

(Petition under section 13(2) of AP Works of Licensees Rules 2007 against the orders passed by District Collector & District Magistrate NTR District
rc.coord-3/977/2022 dt. 23-11-2022)

Sri Ch.Bala Sudhakar, Counsel representing Sri Srinivasa Raju, learned Counsel for the Petitioner, and Sri P.Shiva Rao, learned Standing Counsel for APTRANSCO are present at the hearing.

The record shows that Notices have not returned served or otherwise.
Await service of Notices.

Call on 05-7-2023.

**Sd/-
MEMBER/TRS**

**Sd/-
CHAIRMAN**

OP No. 4 of 2023

Kreate Energy India Pvt. Ltd. Vs. APPCC

(Petition filed under section 86(1) (f) of the Electricity Act, 2003 for adjudication of disputes between the Petitioner and the Respondents in terms of the supply of power for the period from January, 2018 to October, 2019 in terms of the power banking arrangement between the parties.)

Ms. Shraddha Guptha, learned Counsel for the Petitioner, and Sri P.Shiva Rao, learned Standing Counsel for the respondent, are present at the hearing.

Learned counsel for both the parties submitted that negotiations between the parties failed.

Sri P.Shiva Rao, learned Standing Counsel for the respondent, requested time for filing counter.

Four weeks' time is accordingly granted. Call on 28-6-2023.

**Sd/-
MEMBER/TRS**

**Sd/-
CHAIRMAN**

OP No. 7 of 2023

**M/s New & Renewable Energy Development Corporation of A.P Ltd.,
(NREDCAP) Vs. APSPDCL,**

(Petition filed under Sections 86 (1) (a), 86 (1) (b) and 86 (1) (e) of the Electricity Act, 2003 seeking Approval of the Tariff of at least Rs.3.43 ps per unit or higher for sale of Wind Power by the Petitioner's 5.95 MW Wind Power Plant to the Respondent herein for the PPA dated.27.03.2012 for the balance tenure of operation from 11th year to 20th year in terms of the Order dated 01.05.2009 passed by this Commission in O.P Nos.6 and 7 of 2009)

&

OP No. 8 of 2023

**M/s New & Renewable Energy Development Corporation of A.P Ltd.,
(NREDCAP) Vs. APSPDCL**

(Petition filed under Sections 86 (1) (a), 86 (1) (b) and 86 (1) (e) of the Electricity Act, 2003 seeking approval of Tariff of at least Rs.3.43 ps per unit or higher for sale of Wind Power by the Petitioner's 1.60 MW Wind Power Plant to the Respondent herein for the PPA dated.29.03.2012 for the balance tenure of operation from 11th year to 20 year in terms of

the Order dated 01.05.2009 passed by this Hon'ble Commission in O.P Nos.6 and 7 of 2009)

None appeared on behalf of the Petitioner. Sri P. Shiva Rao, learned standing counsel for the Respondent, is present at the hearing.

Since the issue relates to fixation of tariff from 11th year onwards, it requires to be placed in Public domain. Accordingly, the petitioner shall carry out publication of these petitions in two newspapers one in Sakshi (Telugu) and the other in Deccan Chronicle (English) of Andhra Pradesh Editions.

Call on 28-6-2023 for filing proof of publication.

**Sd/-
MEMBER/TRS**

**Sd/-
CHAIRMAN**

OP No. 9 of 2023

M/s Alufluoride Limited Vs. APSLDC, APTRANSCO, APEPDCL

(Petition filed u/s 86(1)(f) of Electricity Act, 2003 seeking consideration of unsettled Banking Units of 6.18 lakhs during the period from 25.03.2019 to 31.03.2020 and 23.21 lakhs during the period from 01.04.2020 to 10.01.2021 (total 29.39 lakhs units) towards increasing the capacity from 1.6 MW to 3.00 MW Generator in their project at Polepalli Village, Butchayyapeta Mandal, Visakhapatnam District AP.

Sri L.Aravind Reddy, learned counsel for the Petitioner and Sri P. Shiva Rao, learned Standing Counsel for the Respondents, are present at the hearing.

Counter is filed. Learned counsel for the petitioner requested time for filing rejoinder.

Call on 28-6-2023.

**Sd/-
MEMBER/TRS**

**Sd/-
CHAIRMAN**

OP No. 53 of 2022 & IA No.1 of 2023

M/s. Bharat Heavy Electrical Limited Vs. APTRANSCO & others

(Petition filed U/Sec 86(1)(f) of the Electricity Act, 2003 to direct the Respondents to pay sum of Rs.1,95,75,929/- (Rupees One Crore, Ninety Five Lakhs, Seventy Five Thousands, Nine hundred and Twenty Nine only) together with interest at 10% Per Annum towards the cost of the energy supplied to the respondents)

IA No.1 of 2023 in OP No. 53 of 2022

(Application filed Under Order 1, Rule 10 of CPC seeking to implead CGM/IPS/Solar &RAC, APSPDCL,Tirupati as Respondent -3 ; and CE/Comml., APPCC,Vijayawada as Respondent-4 in the main petition)

Smt. G.Malathi, learned counsel for the petitioner and Sri P.Shiva Rao, learned Standing Counsel for the respondents are present at the hearing.

IA No.1 of 2023 in OP No. 53 of 2022:

This application is filed for impleadment of Applicants 3 and 4 as respondents 3 and 4 in OP No.53 of 2022.

At the hearing, Sri P.Shiva Rao, learned Standing Counsel for the respondents, submitted that he has no objection for impleadment.

Accordingly, I.A. is allowed.

The petitioner shall carry out appropriate amendments in the cause- title of OP No.53 of 2022 within two weeks.

OP No.53 of 2022:

At the request of Sri P.Shiva Rao, learned Standing for respondents 3 and 4, four weeks' time for filing counter is granted.

Call on 28-6-2023.

**Sd/-
MEMBER/TRS**

**Sd/-
CHAIRMAN**

OP No. 12 of 2023

M./s. Walwhan Renewable Energy Ltd Vs. APSPDCL, APSLDC & APTRANSCO

(Petition filed under Section 86(1)(e) read with 86(1)(f) of the Electricity Act, 2003 seeking appropriate directions and orders to be passed qua the Respondent No.1, i.e. APSPDCL and other contesting Respondents to compensate the Petitioner for the actual loss the revenue suffered by the Petitioner on account of frequent and rampant backing down instructions given to the Petitioner on account of the inadequacy of Transmission System and alleged grid safety issues.)

Sri Suhael Buttan, counsel representing Sri Shri Venkatesh, learned counsel for the Petitioner and Sri P. Shiva Rao, learned standing counsel for the Respondent are present at the hearing.

Further time for filing counter is requested by Sri P.Shiva Rao, learned Standing Counsel for the respondents.

Four weeks' time is, accordingly, granted finally.

Along with the counter, the respondents shall furnish the data in terms of the guidelines notified by the FOR on the power interruptions and the reasons therefor.

Call on 28-6-2023.

**Sd/-
MEMBER/TRS**

**Sd/-
CHAIRMAN**

OP No.1 of 2023

Aurobindo Pharma Limited (APL) Vs. APTRANSCO, APEPDCL, APSLDC,
(Petition filed u/s 181(e) read with Sections 42(3) and 61(h) of the Electricity Act, 2003 to direct the Respondents to give reduction in contracted demand with DISCOM for a period of five (5) years from the date of commissioning of Solar Power Plant as stated in Paras 16 & 17 and as envisaged under the Solar Power Policy, 2015 and Regulation No.2 of 2016 dated 08.01.2016 (Third Amendment Regulation, 2016) notified by this Commission by duly revising the bills from October 2017 to 31.05.2022)

Sri Shreyas Reddy, counsel representing Sri N.V.Sumanth, learned counsel for the petitioner, and Sri P. Shiva Rao, learned counsel for the Respondents, are present at the hearing.

Sri Shreyas Reddy submitted that rejoinder is being filed today.

Call on 19-7-2023 for hearing.

**Sd/-
MEMBER/TRS**

**Sd/-
CHAIRMAN**

RP No. 8 of 2022

in

OP No. 21 of 2015 and OP No. 19 of 2016

M/s.Hinduja National Power Corporation Limited Vs. APEPDCL & Others
(Review petition filed under Section 94(1)(f) read with Order 47 Rule 1 of the Code of Civil Procedure, 1908 and Regulation 49 of the Andhra Pradesh Electricity Regulatory Commission (Conduct of Business) Regulations, 1999 for review of common order dated 01.08.2022 passed in Petition O.P No. 21 of 2015 and O.P No. 19 of 2016.)

Sri Avinash Desai, learned Senior Counsel assisted by Sri P.Ravi Charan, learned counsel for the Petitioner; Sri P.Shiva Rao, learned Standing Counsel for the respondents; and Sri M.Venugopala Rao, learned Objector, are present at the hearing.

After arguing the Review Petition, Sri Avinash Desai, learned Senior Counsel for the review petitioner, offered to file brief points, on which he is pressing the Review Petition, on or before 12-5-2023.

Orders reserved.

**Sd/-
MEMBER/TRS**

**Sd/-
CHAIRMAN**

OP No. 64 of 2022

M/s.APEPDCL & M/s.APSPDCL Vs. M/s. Spectrum Power Generation Ltd.,
(Petition filed U/Sec 86(1)(f) of the Electricity Act 2003 read with Clause-55 of APERC (Conduct of Business) Regulations, 1999 to determine the Tariff for procurement of power from M/s Spectrum Power Generation Limited, 208 MW Combined Cycle Gas based Power Project during the period FY 2016-17).

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.

Publication is carried out.

Mr. M.Venugopal Rao, learned Objector, requested time for filing his objections.

Call on 05-7-2023.

**Sd/-
MEMBER/TRS**

**Sd/-
CHAIRMAN**

OP No. 68 of 2022

M/s. Jindal Urban Waste Management (Guntur) Ltd Vs. APSPDCL & two Others
(Petition filed under Section 86(1)(f) and (e) of the Electricity Act, 2003, read with Regulation 8 of the Andhra Pradesh Electricity Regulatory Commission (Conduct of Business) Regulations, 1999, as amended, read with Article 7 of the Power Purchase Agreement dated 06.02.2016 ("PPA") entered into between the Petitioner and APSPDCL seeking directions to the APSPDCL and APCPDCL not to reduce the tenure of the PPAs from the existing term of 25 years to the proposed term of 10 to 15 years)

Sri Vivek Chandrasekhar, learned counsel for the Petitioner, and Sri P. Shiva Rao, learned standing counsel for the Respondents, are present at the hearing.

OP closed (vide separate order)

**Sd/-
MEMBER/TRS**

**Sd/-
CHAIRMAN**

OP No. 69 of 2022

M/s. Trident Power Pvt Ltd., Vs. APCPDCL & four others

(Petition filed u/s 86(1) (b) of the Electricity Act 2003 r/w Clause-55 of the APERC (Conduct of Business) Regulations, 1999 praying the Commission to issue a direction declaring the action of Respondents 1, 3 and 4 in levying and demanding differential wheeling charges, cross-subsidy surcharge and transmission charges on the energy generated and wheeled by the Applicant under the provisions of the Power Wheeling and Purchase Agreement dated 11.01.2000, purported to be basing the Tariff Orders of the APERC vide Lr. No CMD/D/T/D/FIN/CGM/F/GM/ R&IA/ SAO/R&IA/AAO/HT/ D.No. 772/20 dated 05.01.2021)

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.

OP dismissed (vide separate order)

**Sd/-
MEMBER/TRS**

**Sd/-
CHAIRMAN**

OP No. 61 of 2022

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

(Petition filed U/Sec. 86(1)(f) r/w 86(1)(k) of the Electricity Act 2003, read with Clause-55 of the APERC (Conduct of Business Regulations) 1999 seeking for a direction to allow deemed banking units for 2 x 1.5 MW (NLR 888))

OP No. 62 of 2022

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

(Petition filed U/Sec. 86(1)(f) r/w 86(1)(k) of the Electricity Act, 2003 read with Clause-55 of APERC (Conduct of Business Regulations) 1999, seeking for a direction to allow deemed banking units for 2 x 4 MW(NLR 891)

Sri S.Ravi, learned Senior Counsel assisted by Sri M.Naga Deepak, learned Counsel for the Petitioners; and Sri P.Shiva Rao, learned Standing Counsel for the respondents, are present at the hearing.

Heard. Orders reserved.

**Sd/-
MEMBER/TRS**

**Sd/-
CHAIRMAN**

OP No. 63 of 2022

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

(Petition filed U/Sec. 86 (1)(f) R/w 86(1)(k) of the Electricity Act, 2003 seeking a direction for reimbursement of Income Tax of Rs.13,10,34,791/- and interest @ 12% quarterly rest amounting to Rs.2,57,70,920/- for the periods from FY 2017-18, FY 2019-20 to FY 2021-22 paid by the Petitioner towards Income Tax which is pass through as per Hon'ble Commission Tariff Orders)

Sri S.Ravi, learned Senior Counsel assisted by Sri M.Naga Deepak, learned Counsel for the Petitioners; and Sri P.Shiva Rao, learned Standing Counsel for the respondents, are present at the hearing.

At the request of the learned counsel for both the parties, call on 12-7-2023.

**Sd/-
MEMBER/TRS**

**Sd/-
CHAIRMAN**