

Record of Proceedings dated 03-11-2021

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

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

Publication as directed has been made. Since 30 days time indicated in the publication is going to expire only on 11-11-2021, OP is adjourned to enable the objectors to file objections, if any within the indicated time. Call on 15-12-2021.

Sd/-
MEMBER / TRS

Sd/-
CHAIRMAN

Sd/-
MEMBER / PRR

O.P.No. 49 of 2020
M/s. Vish Wind Infrastructure LLP

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

Further time for paper publication is sought. Accordingly, two weeks' time is granted. Call on 22-12-2021

Sd/-
MEMBER / TRS

Sd/-
CHAIRMAN

Sd/-
MEMBER / PRR

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 20221
M/s Sandla Wind Project Pvt. Ltd., Vs. APSPDCL

OP No. 101 of 2021
M/s Guttaseema Wind Energy Company Pvt Ltd., Vs. APSPDCL

Sri. P. Sri Raghuram, Learned Senior Counsel for the petitioners and Sri P. Shiva Rao, learned Standing Counsel for the APDISCOMs are present at the web hearing.

After arguing the case for some time, Sri. P. Sri Raghuram, Learned Senior Counsel requested 4 weeks' time to address on the maintainability of the OP. Call on 15-12-2021.

Sd/-
MEMBER / TRS

Sd/-
CHAIRMAN

Sd/-
MEMBER / PRR

OP No. 83 of 2021
M/s. Blyth Wind Park Pvt. Ltd. Vs. APPCC, APSPDCL, APTRANSCO & APSLDC

Petition under Section 86(l)(f) of the Electricity Act, 2003 for adjudication of dispute arising from the action of Andhra Pradesh Power Coordination Committee and Southern Power Distribution Company of Andhra Pradesh Limited in delaying the processing of and consequently withholding payment for unutilised banked energy in respect of the Petitioner's wind power project for the Financial Years 2017-18, 2018-19 and 2019-20 in contravention of the provisions of the Andhra Pradesh Electricity Regulatory Commission (Interim Balancing and Settlement Code) Regulations, 2006 and the amendments thereto, along with Affidavit

OP No. 84 of 2021

M/s. Artia Wind Power Pvt Ltd Vs. APPCC, APSPDCL, APTRANSCO & APSLDC

Petition under Section 86(1)(f) of the Electricity Act, 2003 for adjudication of dispute arising from the action of Andhra Pradesh Power Coordination Committee and Southern Power Distribution Company of Andhra Pradesh Limited in delaying the processing of and consequently withholding payment for unutilised banked energy in respect of the Petitioner's wind power project for the Financial Years 2017-18, 2018-19 and 2019-20 in contravention of the provisions of the Andhra Pradesh Electricity Regulatory Commission (Interim Balancing and Settlement Code) Regulations, 2006 and the amendments thereto along with Affidavit

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

Counter affidavit is filed. Ms. Mazag Andrabi, learned Counsel for the Petitioner has stated that she has not received a copy of the counter. Sri P. Shiva Rao, learned Standing counsel has undertaken to serve the counter on the learned counsel for the petitioner immediately. Call on 15-12-2021 for rejoinder if any.

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

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.

Sri Vishal Gupta, learned counsel for the petitioners submitted that at present their clients are not willing to forego the Late Payment Surcharge. When we called upon

Sri P. Shiva Rao, learned Standing Counsel for the respondents to indicate the timeline for payment of the admitted tariff dues he is unable to specify time for payment. As the sums of Rs.17,97,79,557/- and Rs.5,57,88,616/- respectively represent the admitted dues, the payment of which is long overdue, we do not find any justification whatsoever for the respondents for not paying the said amount. However, considering the precarious financial position of the respondent as pleaded by it, 6 weeks' time is granted to Respondent No. 3 for payment of Rs.17,97,79,557/- and Rs.5,57,88,616/- respectively. If such payment is not made, the CMD of Respondent No. 3 shall be personally present on the next date of hearing. We also hope that the petitioners would consider the plight of Respondent No. 3 sympathetically in considering waiver of LPS, in the event Respondent No. 3 complies with the present order by depositing the admitted amounts. Call on 22-12-2021.

Sd/-
MEMBER / TRS

Sd/-
CHAIRMAN

Sd/-
MEMBER / PRR

I.A.No.21/2020 in O.P.No.21 of 2017
M/s. Orange Uravakonda Wind Power Pvt. Ltd Vs APSPDCL & 2 others

Application filed by APDISCOMs seeking review of the order Dt: 14-06-2018 passed by the Commission in OP.Nos. 21 of 2017 to OP.No. 27/2017.

I.A.No.22/2020 in O.P.No.22 of 2017
M/s. Khandke Wind Power Pvt. Ltd Vs APSPDCL & 2 others

Application filed by APDISCOMs seeking review of the order Dt: 14-06-2018 passed by the Commission in O.P.Nos.21 of 2017 to O.P.No.27 of 2017

I.A.No.23/2020 in O.P.No.23 of 2017
M/s. Orange Anantapur Wind Power Pvt. Ltd. Vs APSPDCL & 2 others

Application filed by APDISCOMs seeking review of the order Dt: 14-06-2018 passed by the Commission in O.P.Nos.21 of 2017 to O.P.No.27 of 2017

I.A.No.24/2020 in O.P.No.24 of 2017
M/s. Tada Wind Energy (P) Ltd., Vs APSPDCL & 2 others

Application filed by APDISCOMs seeking review of the order Dt: 14-06-2018 passed by the Commission in O.P.Nos.21 of 2017 to O.P.No.27 of 2017

I.A.No.25/2020 in O.P No.25 of 2017
Mytrah Vayu (Penuar) Pvt. Ltd., Vs APSPDCL & 2 others

Application filed by APDISCOMs seeking review of the order Dt: 14-06-2018 passed
by the Commission in O.P.Nos.21 of 2017 to O.P.No.27 of 2017

I.A.No.26/2020 in O.P.No.26 of 2017
Mytrah Vayu (Krishna) Pvt. Ltd., Vs APSPDCL & 2 others

Application filed by APDISCOMs seeking review of the order Dt: 14-06-2018 passed
by the Commission in O.P.Nos.21 of 2017 to O.P.No.27 of 2017

I.A.No.27/2020 in O.P.No.27 of 2017
M/s. Mytrah Vayu (Indravathi) Pvt.Ltd Vs APSPDCL & 2 others

Application filed by APDISCOMs seeking review of the order Dt: 14-06-2018 passed
by the Commission in O.P.Nos.21 of 2017 to O.P.No.27 of 2017

I.A.No.28/2020 in O.P.No.35 of 2017
M/s. Jindal Aluminium Ltd Vs APSPDCL & 2 others

Application seeking review of the order Dt: 14-06-2018 passed by the Commission in
OP.Nos.21 of 2017 to O.P.No.27/2017 (O.P.No.35/2017)

I.A.No.29/2020 in O.P.No.1 of 2018
M/s. Tata Power Renewable Energy Ltd., Vs APSPDCL & 2 others

Application filed by APDISCOMs seeking review of the order Dt: 14-06-2018 in
O.P.No.1 of 2018

I.A.No.30/2020 in O.P.No.7 of 2018
Welspun Renewable Energy Ltd., Vs APSPDCL & 2 others

Application filed by APDISCOMs seeking review of the order Dt: 14-06-2018 in
O.P.No.7 of 2018

I.A.No.31/2020 in O.P.No.20 of 2018
M/s. KCT Renewable Energy Vs APSPDCL & 2 others

Application filed by APDISCOMs seeking review of the order Dt: 06-10-2018 in
O.P.No.20 of 2018

I.A.No.32/2020 in O.P.No.21 of 2018
M/s. Ostro Anantapur Pvt Ltd., Vs APSPDCL & 2 others

Application filed by APDISCOMs seeking review of the order Dt: 14-06-2018 in
OP.No.21 of 2018

I.A.No.33/2020 in O.P.No.22 of 2018
M/s. KCT Renewable Energy Pvt.Ltd., Vs APSPDCL & 2 others

Application filed by APDISCOMs seeking review of the order Dt: 14-06-2018 in
O.P.No.22 of 2018

Sri. Shri Venkatesh; Sri. Avijeet Lala & Ms. Mazag Andrabi, Counsel for the petitioners in some of the I.As, and Sri P. Shiva Rao, learned Standing Counsel for the DISCOMs are present at the web hearing.

These applications are filed seeking modification of the order dt.14-06-2018 passed in OP Nos. 21 to 27 & 35 of 2017, OP Nos 1 & 7 of 2018. After arguing the applications, Sri P. Shiva Rao, learned Standing Counsel for the applicants requested permission to withdraw the applications. The applications are accordingly dismissed as withdrawn without rendering any finding on merits.

Sd/-
MEMBER / TRS

Sd/-
CHAIRMAN

Sd/-
MEMBER / PRR

O.P. No. 43 of 2019 & I.A.No.17 of 2019
M/s. ITC Limited Vs. APSPDCL & 3 others

Petition under Section 86(1)(b) and 86(1)(f) of the Electricity Act, 2003 read with Regulation 55 of the APERC (Conduct of Business) Regulations, 1999 for directions to be issued to the Respondents in relation to making payment for the energy injected into the grid owing to unlawful denial of open access in compliance with the order dated 13.06.2016 passed by the Central Electricity Regulatory Commission

Interlocutory application filed by APSLDC (R-4) under Clause 55 of APERC (Conduct of Business) Regulations to reject the O.P.No.43 of 2019 on the ground that it is barred by law of limitation of 3 years

Sri. Jeevan Kumar, counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the Respondents is present at the web hearing.

Sri. Jeevan Kumar, counsel for the petitioner desires physical hearing. The office shall post this OP whenever physical hearing is resumed.

Sd/-
MEMBER / TRS

Sd/-
CHAIRMAN

Sd/-
MEMBER / PRR