

Record of Proceedings dated 06-04-2022

OP No. 22 of 2022

Vayu Urja Bharat Pvt Ltd Vs. APSPDCL

Petition under section 86(1)(f) of the Electricity Act, 2003 read with applicable provisions of the Power Purchase Agreement dated 28-07-2016 and this Hon'ble Commission's Judgement dated 31-08-2019 in OP No. 35 of 2019, inter alia seeking direction to the Respondent for payment of the outstanding late payment surcharge accrued pursuant to the consistent delayed payment of the invoices from March, 2107 till October 2020

Sri.Aniket Prasoon, learned 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, learned Standing Counsel for the Respondent, seeks time for filing counter. Four weeks' time is accordingly granted. Two weeks' time is granted to the learned counsel for the petitioner for filing rejoinder.

Call on 29-06-2022.

Sd/-
MEMBER / TRS

Sd/-
CHAIRMAN

Sd/-
MEMBER / PRR

OP No. 24 of 2022 & IA No. 1 of 2022

M/s. SB Energy Solar Pvt Ltd Vs. NTPC, APEPDCL & APSPDCL

Petition filed under section 86(1) (f) and (k) of the Electricity Act, 2003 and Article 12 of the Power Purchase Agreement dated 05-07-2018 executed between the Petitioner and NTPC limited, seeking relief on account of a change in law event, viz., the imposition of safeguard duty by notification no. 01/2018 customs (SG) dated 30-07-2018, issued by the Department of Revenue, Ministry of Finance, Govt. of India

Application filed by petitioner seeking interim directions

Sri. Jafar Alam, learned counsel for the Petitioner; Ms. Sakia Jakharia for Respondent No.1; and Sri P. Shiva Rao, learned Standing Counsel for Respondent Nos. 2 & 3 are present at the web hearing.

Sri P.Shiva Rao, learned standing counsel for respondent Nos.2 and 3 requested time for filing counter.

As this O.P. is similar to O.P.No.23 of 2022, which stands posted to 15-6-2022, call this O.P. along with the O.P.No.23 of 2022 on 15-6-2022.

Sd/-
MEMBER / TRS

Sd/-
CHAIRMAN

Sd/-
MEMBER / PRR

OP No. 12 of 2022

M/s. Palnadu Solar Power Pvt Ltd Vs. APCPDCL & APPCC

Petition under Section 86(I)(f) r/w. Section 86(I)(e) of the Electricity Act, 2003, Regulation 8 of the Andhra Pradesh Electricity Regulatory Commission (Conduct of Business) Regulations, 1999 seeking direction to the Respondents for releasing payment of the outstanding amounts along with interest on delayed payment of invoices towards sale of Solar Power as per the PPA.

Sri. Challa Gunaranjan, 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.

There is no dispute with regard to principal liability, which stood at Rs.8,21,50,826/- as on 30-9-2021. As there is no justification for non-payment of this amount except the plea of acute financial problems for the respondents, we direct respondent No.1 to pay the above mentioned sum in three equal monthly instalments. The first instalment amount shall be paid on or before 30-4-2022 and the next two instalments shall be paid with an interval of one month each. The aspect relating to LPS shall be considered on the next date of hearing.

Call on 06-7-2022 for reporting compliance of this order regarding payment of the first two instalments.

Sd/-
MEMBER / TRS

Sd/-
CHAIRMAN

Sd/-
MEMBER / PRR

Revision Petition No. 1 of 2022
Sri. Mahaveer Kumar & 3 Others Vs. District Collector, Guntur Collectorate & 4
Others

Revision Petition under Rule 13(2) of the Andhra Pradesh Works of Licensee Rules 2007.

Sri. Murali Krishna, learned counsel for the Revision Petitioner and Sri P. Shiva Rao, learned Standing Counsel for Respondent Nos. 3 & 4 are present at the web hearing.

A further time for filing counter-affidavits is requested. Time is accordingly granted.

Call on 22-06-2022 for the counter-affidavits of respondents 3 and 4.

Sd/-
MEMBER / TRS

Sd/-
CHAIRMAN

Sd/-
MEMBER / PRR

OP No. 17 of 2022

APSPDCL, APEPDCL & APCPDCL Vs. M/s. Sembcorp Energy India Limited

Petition under Section 86 (1) (b) of the Electricity Act, 2003 seeking approval for the Power Supply Agreement Dt.31.12.2021 with Sembcorp Energy India Limited for supply of 625 MW power (500 MW firm capacity and 125 MW Open Capacity) at a tariff of Rs.3.84 (Rs.1.67 FC + Rs. 2.17 VC).

Sri P. Shiva Rao, learned Standing Counsel for the Petitioners and Sri. Vishrov Mukherjee, counsel for the respondent are present at the web hearing.

Publication is carried out as per the order dated 23-2-2022 and proof in respect thereof has been filed. No objections have been received from any stakeholders. After hearing the learned counsel for the parties, Orders reserved.

Sd/-
MEMBER / TRS

Sd/-
CHAIRMAN

Sd/-
MEMBER / PRR

OP No. 18 of 2022
Vayu Urja Bharat Pvt Ltd. Vs. APSPDCL

Petition under Section 86(1)(f) read with Section 86(1)(e) of the Electricity Act, 2003 read with Article 10 of the Power Purchase Agreement dated 28.07.2016 inter-alia seeking direction to the Respondent for forthwith releasing payment against the outstanding invoices towards sale of wind energy since November 2020 till November 2021 along with the interest / delayed payment surcharge on such delayed payments as per the PPA.

Sri. Aniket Prasoon, learned counsel for the Petitioner; and Sri P. Shiva Rao, learned Standing Counsel for the Respondent, are present at the web hearing.

Counter affidavit is filed. In para-11 of the counter-affidavit the respondents have admitted their liability of Rs.131,86,43,206/- after excluding the GBI and CUF, which are stated to be in dispute. Admittedly, these arrears are due for nearly one year. In the light of this position and considering the tight financial position in which the respondents are placed, we are of the opinion that at least a reasonable part of the arrears shall be paid by the respondent immediately.

Accordingly, respondent No.1 is directed to pay Rs.35.00 crores (Rupees thirty five crores only) by 15-5-2022.

Call on 22-6-2022 for reporting compliance.

Sd/-
MEMBER / TRS

Sd/-
CHAIRMAN

Sd/-
MEMBER / PRR

OP No. 117 of 2021
Hindupur Solar Park Pvt. Ltd. Vs. APSLDC & SPDCL

OP No. 118 of 2021
Hindupur Solar Park Pvt. Ltd. Vs. APSLDC & SPDCL

Petition under Section 33 (4) r/w Sections 86 (1) (e), (f) & (k) of the Electricity Act, 2003 questioning the alleged wrongful curtailment of power of the petitioner by APSLDC / Respondent No. 1 and sought appropriate orders inter-alia, against the respondents to not issue curtailment instructions.

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

Pleadings are complete. Post on 13-7-2022 for hearing.

Sd/-
MEMBER / TRS

Sd/-
CHAIRMAN

Sd/-
MEMBER / PRR

OP No. 119 of 2021 & IA Nos. 1 & 2 of 2021
M/s Ostro Andhra Wind Private Limited Vs. APSLDC & Others

Petition under Section 33(4) and Section 39 of the Electricity Act, 2003 read with Section 86(1) (e) and Section 86(1) (f) seeking appropriate direction (s) / Order(s) from this Hon'ble Commission against the statutory authorities namely, APSLDC and the Transmission Corporation of Andhra Pradesh Limited, to address and adjudicate the dispute arising due to non-performance of statutory obligations by the said entities which has severely prejudiced the rights and interest of the Petitioner.

IA No.1 of 2021 - Interlocutory Application seeking Urgent Listing of the Petition under Section 94 (2) of the Electricity Act, 2003 read with applicable regulations issued by this Hon'ble Commission.

IA No. 2 of 2021 - Interlocutory Application seeking Urgent and Interim Directions under Section 94(2) of the Electricity Act, 2003 read with applicable regulations issued by the Hon'ble Commission.

OP No. 120 of 2021 & IA Nos. 1 & 2 of 2021
M/s Ostro AP Wind Private Limited Vs. APSLDC & Others

Petition under Section 33(4) and Section 39 of the Electricity Act, 2003 read with Section 86(1) (e) and Section 86(1) (f) seeking appropriate direction (s) / Order(s) from this Hon'ble Commission against the statutory authorities namely, APSLDC and the Transmission Corporation of Andhra Pradesh Limited, to address and adjudicate the dispute arising due to non-performance of statutory obligations by the said entities which has severely prejudiced the rights and interest of the Petitioner.

IA No. 1 of 2021 - Interlocutory Application seeking Urgent Listing of the Petition under Section 94 (2) of the Electricity Act, 2003 read with applicable regulations issued by this Hon'ble Commission.

IA No. 2 of 2021 - Interlocutory Application seeking Urgent and Interim Directions under Section 94(2) of the Electricity Act, 2003 read with applicable regulations issued by the Hon'ble Commission.

OP No. 121 of 2021 & IA Nos. 1 & 2 of 2021
M/s Helios Infratech (P) Ltd. Vs. APSLDC & Others

Petition under Section 33(4) and Section 39 of the Electricity Act, 2003 read with Section 86(1) (e) and Section 86(1) (f) seeking appropriate direction (s) / Order(s) from this Hon'ble Commission against the statutory authorities namely, APSLDC and

the Transmission Corporation of Andhra Pradesh Limited, to address and adjudicate the dispute arising due to non-performance of statutory obligations by the said entities which has severely prejudiced the rights and interest of the Petitioner.

IA No. 1 of 2021 - Interlocutory Application seeking Urgent Listing of the Petition under Section 94 (2) of the Electricity Act, 2003 read with applicable regulations issued by this Hon'ble Commission.

IA No.2 of 2021 - Interlocutory Application seeking Urgent and Interim Directions under Section 94(2) of the Electricity Act, 2003 read with applicable regulations issued by the Hon'ble Commission.

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

The grievance of the petitioner is that its connection is being treated as a temporary connection leading to indiscriminate curtailment of energy and that the respondents are not commissioning Pampanoor-Thanda 220 KV sub-station. We have called upon Sri P.Shiva Rao, the learned Standing Counsel for the respondents, to report on the timeline of commissioning of the said sub-station. The learned Standing Counsel requested time in this regard.

Call on 20-04-2022.

Sd/-
MEMBER / TRS

Sd/-
CHAIRMAN

Sd/-
MEMBER / PRR

O.P.No. 31 of 2020
APPDCL Vs APSPDCL & APEPDCL

Petition u/s 86 (1) (f) r/w Section 62 for resolving the issues in the matter of operational parameters and variable cost for sub-critical and super-critical operation for procurement of power from 2 x 800 MW Sri Damodaram Sanjeevaiah Thermal Power Station (SDSTPS)

Sri K. Gopal Choudary, learned 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, learned Standing Counsel for the respondents, requested two days time for filing the technical presentation.

Accordingly, call the case on 20-4-2022. The respondents shall file the presentation before the Commission after serving the same on the other side within one week from today.

Sd/-
MEMBER / TRS

Sd/-
CHAIRMAN

Sd/-
MEMBER / PRR

OP No. 38 of 2021 & IA No. 1 of 2021
M/s Rayala Wind Power Company Private Limited & Ors. Vs. APSPDCL &
APEPDCL

Petition seeking indulgence of this Hon'ble Commission and invoking its Regulatory Jurisdiction under Section 86(1)(e) read with Section 86 (1)(f) of the Electricity Act 2003

IA No. 1 of 2021 - Application seeking interim directions under Regulation 55 of APERC (Conduct of Business) Regulations, 1999 r/w Section 151 of the Code of Civil Procedure, 1908

Mr. Shri Venkatesh, learned 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, learned Standing Counsel for the respondents, submitted that the respondents could not comply with the order dated 23-2-2022. This is a sad state of affairs. Therefore, we are left with no other option except summoning the CMD of respondent No.1 for explaining his conduct in not complying with the Order dated 23-2-2022.

Accordingly, issue summons to the Chairman & Managing Director of respondent No.1 to appear before the Commission on 20-4-2022.

Sd/-
MEMBER / TRS

Sd/-
CHAIRMAN

Sd/-
MEMBER / PRR

O.P.Nos.60 & 61 of 2017
(Remanded from Hon'ble APTEL)

M/s. Abhijeet Ferrotech Ltd Vs. APEPDCL & APSPDCL

Judgement of the Hon'ble Appellate Tribunal for Electricity passed in Appeal No. 248 of 2018 dt. 18-02-2022, directing the Commission to pass fresh order in terms of the directions, expeditiously, not later than three months from the date of this judgement.

Issue notice to both the parties.

Call on 20-4-2022.

Sd/-
MEMBER / TRS

Sd/-
CHAIRMAN

Sd/-
MEMBER / PRR