

**Record of Proceedings dated 06-10-2021**

OP No. 89 of 2021

M/s. Mytrah Vayu (Pennar) Private Limited Vs. APSPDCL & APPCC

Petition under Section 86(l)(f) of the Electricity Act, 2003, R/w. APERC (Conduct of Business) Regulations, 1999 seeking direction to the respondents for releasing payment against the outstanding monthly invoices towards sale of wind energy along with the interest/delayed payment surcharge as per Articles 2.2 and 5.2 of the Power Purchase Agreement dated 27.04.2012.

Sri. Phanendra, 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.

Sri P. Shiva Rao requested for time for filing counter. Call on 24-11-2021.

Sd/-  
MEMBER / TRS

Sd/-  
CHAIRMAN

Sd/-  
MEMBER / PRR

OP No. 90 of 2021

M/s. Mytrah Vayu (Krishna) Private Limited Vs. APSPDCL

Petition under Section 86 (1) (f) of the Electricity Act, 2003 and other applicable provisions of the Electricity Act, 2003 seeking appropriate directions(s) / order(s) from this Hon'ble Commission against the Southern Power Distribution Company of Andhra Pradesh Limited in relation to the issues regarding the delay in execution of minor amendments directed by the Hon'ble Commission to the Power Purchase Agreement dated 12.02.2014 which is severely prejudicing the rights and interests of the Petitioner.

Sri. Avinash Desai, 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 requested for time for filing counter. Call on 24-11-2021.

Sd/-  
MEMBER / TRS

Sd/-  
CHAIRMAN

Sd/-  
MEMBER / PRR

OP No. 74 of 2021  
M/s. G Shoe Export Vs. APTRANSCO & APSPDCL

Petition 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 05-06-2012 and for a direction against the respondents for the payments of the outstanding amounts.

OP No. 75 of 2021  
M/s. MGM Springs Pvt Ltd Vs. APTRANSCO & APSPDCL

Petition 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 05-06-2012 and for a direction against the respondents for the payments of the outstanding amounts

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

Counter is filed. Sri A.P. Reddy, learned counsel for the petitioners, requested for time for filing rejoinder. Call on 24-11-2021.

Sd/-  
MEMBER / TRS

Sd/-  
CHAIRMAN

Sd/-  
MEMBER / PRR

OP No. 76 of 2021  
Spectrum Power Generation Ltd Vs. APSPDCL & APEPDCL

Petition u/s 86 (1) (f) of the Electricity Act, 2003 r/w Clause (55) of APERC (Conduct of Business) Regulations seeking recovery of withheld balance Fixed Cost amount of Rs. 16.04 crores out of Rs. 37.92 crores payable to M/s. SPGL for the Tariff Year 2018-19 and recovery of withheld amount of Rs.2.42 crores and Rs. 1.78 crores with respect to energy bills for December 2020 and April 2020.

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

Counter is filed. Sri. Rohan Aloor, learned counsel for the petitioner, requested for time for filing rejoinder. Call on 24-11-2021.

Sd/-  
MEMBER / TRS

Sd/-  
CHAIRMAN

Sd/-  
MEMBER / PRR

OP No. 78 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.

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

Counter is filed. Ms. Mazag Andrabi, learned counsel for the petitioner, requested for time for filing rejoinder. Call on 24-11-2021.

Sd/-  
MEMBER / TRS

Sd/-  
CHAIRMAN

Sd/-  
MEMBER / PRR

OP No. 63 of 2021

Shri Girija Alloy & Power (I) Pvt Ltd Vs. APEPDCL

Petition filed u/s 86 (1) If) of the Electricity Act, 2003 seeking startup power tariff to be in conformity with Clause 17 of Regulation 3 of 2017.

Sri. Jeevan Kumar representing Sri. P. Vikram, counsel for the petitioner and Sri P. Shiva Rao, learned Standing counsel for the respondent are present at the web hearing.

Counter is filed. Sri Jeevan Kumar, learned counsel for the petitioner, requested time for filing rejoinder. Call on 24-11-2021.

Sd/-  
MEMBER / TRS

Sd/-  
CHAIRMAN

Sd/-  
MEMBER / PRR

OP No. 41 of 2021  
M/s. Lanco Kondapalli Power Limited Vs. APSPDCL, APEPDCL, APCPDCL and  
APPCC

Payment of differential bills amount for the energy supplied by M/s. Lanco Kondapalli Power Limited to SPDCL of AP and EPDCL of AP Ltd

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

Amended petition is filed by the petitioner. At the request of Sri P. Shiva Rao, for filing counter to the amended petition, call on 24-11-2021.

Sd/-  
MEMBER / TRS

Sd/-  
CHAIRMAN

Sd/-  
MEMBER / PRR

OP No. 64 of 2021  
M/s. Khandke Wind Energy Pvt Ltd Vs. APSPDCL

Petition u/s 86 (1) (e) and Section 86 (1) (f) of the Electricity Act, 2003 r/w Article 10 of the Power Purchase Agreements filed on behalf of M/s. Khandke Wind Energy Pvt Ltd for immediate strict compliance by APSPDCL with the provisions of the various Power Purchase Agreements entered into between the parties and for release of amount due

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

On a further request made by Ms. Nameeta Singh, learned counsel for the petitioner, for filing rejoinder. Call on 24-11-2021.

Sd/-  
MEMBER / TRS

Sd/-  
CHAIRMAN

Sd/-  
MEMBER / PRR

OP No. 42 of 2021  
M/s. Compucom Software Ltd. Vs. APSPDCL

Petition seeking approval of tariff of at least Rs.3.43/- per unit or higher for sale of wind power by the petitioner's 0.8 MW wind power plant to the respondent herein for the PPA dt.22-04-2010 for the balance tenure from 11th year of operation to 20th year in terms of the order dt.01-05-2009 passed by this Commission in Op Nos. 6 & 7 of 2009.

Sri. Phanendra, 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.

Further time for filing rejoinder is sought by the learned counsel for the petitioner. Call on 01-12-2021.

(Vide separate order in the O.P.)

Sd/-  
MEMBER / TRS

Sd/-  
CHAIRMAN

Sd/-  
MEMBER / PRR

OP No. 52 of 2021 & IA No. 1 of 2021  
M/s. Vikram Traders Vs. APTRANSCO & APSPDCL

Petition seeking approval of tariff of at least Rs.3.43/- per unit or higher for sale of wind power by the petitioner's wind power plant to the respondent herein for the PPA dt.18-03-2010 for the balance tenure from 11th year of operation to 20th year in terms of the order dt.01-05-2009 passed by this Commission in Op Nos. 6 & 7 of 2009.

Application seeking direction that the generic tariff of Rs.3.43/- per unit may be made applicable to the applicant / petitioner during the pendency of the present petition

OP No. 53 of 2021 & IA No. 1 of 2021  
M/s. S. Kumar Vs. APTRANSCO & APSPDCL

Petition seeking approval of tariff of at least Rs.3.43/- per unit or higher for sale of wind power by the petitioner's wind power plant to the respondent herein for the PPA dt.23-04-2010 for the balance tenure from 11th year of operation to 20th year in terms of the order dt.01-05-2009 passed by this Commission in Op Nos. 6 & 7 of 2009.

Application seeking direction that the generic tariff of Rs.3.43/- per unit may be made applicable to the applicant / petitioner during the pendency of the present petition

OP No. 54 of 2021 & IA No. 1 of 2021  
Siddanga Oil Extractions Pvt Ltd Vs. APTRANSCO & APSPDCL

Petition seeking approval of tariff of at least Rs.3.43/- per unit or higher for sale of wind power by the petitioner's wind power plant to the respondent herein for the PPA dt.22-04-2010 for the balance tenure from 11th year of operation to 20th year in terms of the order dt.01-05-2009 passed by this Commission in OP Nos. 6 & 7 of 2009.

Application seeking direction that the generic tariff of Rs.3.43/- per unit may be made applicable to the applicant / petitioner during the pendency of the present petition

OP No. 55 of 2021 & IA No. 1 of 2021

M/s. Texmo Precision Casting Vs. APTRANSCO & APSPDCL

Petition seeking approval of tariff of at least Rs.3.43/- per unit or higher for sale of wind power by the petitioner's wind power plant to the respondent herein for the PPA dt.02-08-2010 for the balance tenure from 11th year of operation to 20th year in terms of the order dt.01-05-2009 passed by this Commission in Op Nos. 6 & 7 of 2009.

Application seeking direction that the generic tariff of Rs.3.43/- per unit may be made applicable to the applicant / petitioner during the pendency of the present petition

OP No. 56 of 2021 & IA No. 1 of 2021

M/s. Arts & Crafts Exports Vs. APTRANSCO & APSPDCL

Petition seeking approval of tariff of at least Rs.3.43/- per unit or higher for sale of wind power by the petitioner's wind power plant to the respondent herein for the PPA dt.21-04-2010 for the balance tenure from 11th year of operation to 20th year in terms of the order dt.01-05-2009 passed by this Commission in Op Nos. 6 & 7 of 2009.

Application seeking direction that the generic tariff of Rs.3.43/- per unit may be made applicable to the applicant / petitioner during the pendency of the present petition

OP No. 57 of 2021 & IA No. 1 of 2021

M/s. Prakash Beedies Pvt Ltd Vs. APTRANSCO & APSPDCL

Petition seeking approval of tariff of at least Rs.3.43/- per unit or higher for sale of wind power by the petitioner's wind power plant to the respondent herein for the PPA dt.20-04-2010 for the balance tenure from 11th year of operation to 20th year in terms of the order dt.01-05-2009 passed by this Commission in Op Nos. 6 & 7 of 2009.

Application seeking direction that the generic tariff of Rs.3.43/- per unit may be made applicable to the applicant / petitioner during the pendency of the present petition

OP No. 58 of 2021 & IA No. 1 of 2021

M/s. Texmo Industries Vs. APTRANSCO & APSPDCL

Petition seeking approval of tariff of at least Rs.3.43/- per unit or higher for sale of wind power by the petitioner's wind power plant to the respondent herein for the PPA dt.20-04-2010 for the balance tenure from 11th year of operation to 20th year in terms of the order dt.01-05-2009 passed by this Commission in Op Nos. 6 & 7 of 2009.

Application seeking direction that the generic tariff of Rs.3.43/- per unit may be made applicable to the applicant / petitioner during the pendency of the present petition

OP No. 61 of 2021 & IA No. 1 of 2021  
M/s. Shreem Electric Ltd Vs. APTRANSCO & APSPDCL

Petition seeking approval of tariff of at least Rs.3.43/- per unit or higher for sale of wind power by the petitioner's wind power plant to the respondent herein for the PPA dt.30-03-2010 for the balance tenure from 11th year of operation to 20th year in terms of the order dt.01-05-2009 passed by this Commission in Op Nos. 6 & 7 of 2009.

Application seeking direction that the generic tariff of Rs.3.43/- per unit may be made applicable to the applicant / petitioner during the pendency of the present petition

Sri. A. P. Reddy, counsel for the petitioners in this batch and Sri P. Shiva Rao, learned Standing Counsel for the respondents are present at the web hearing.

Further time for filing rejoinder is sought by the learned Counsel for the petitioners. Call the main OPs on 01-12-2021.

IA Nos.1 of 2021 in this batch of O.Ps. are disposed of (Vide separate order)

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

When the case was initially called, Ms. Molshree Bhatnagar submitted that Senior Counsel is instructed to appear. Therefore she requested for a pass-over. The case was again called at the end of the List. The learned Counsel for the petitioner submitted that the Senior Counsel is not available at present. Therefore, the case is adjourned to 01-12-2021.

Sd/-  
MEMBER / TRS

Sd/-  
CHAIRMAN

Sd/-  
MEMBER / PRR

IA No.42 of 2020 in O.P.No. 18 of 2020  
M/s. Khandaleru Power Company Ltd Vs. 1) CMD/APSPDCL, 2) CE/IPC, PP&S/  
APSPDCL, 3) GM/OPC/PP&S/APPCC, 4) SE/Opt Circle/ APSPDCL,Nellore

Petition under Section 86 (1) (f) of the Electricity Act, 2003 r/w APERC (Conduct of Business) Regulation, 1999, seeking adoption of tariff discovered through competitive bidding for procurement of 6 MW capacity power from the petitioner's Mini Hydel Project at Khandaleru Reservoir, Khandaleru, Nellore District in terms of the PPA dated 16-02-2019

IA No. 42 of 2020 - Application filed by the petitioner u/s 142 of the EA, 2003 r/w Regulations 55 of the APERC (Conduct of Business) Regulation, 1999 for violating and dis-obeying the orders passed by the Commission dt.17-03-2020 and 26-08-2020 in IA No. 4 of 2020 in OP No. 18 of 2020

Sri. Phanendra, 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.

Sri Phanendra submitted that after the filing of the I.A., part payments have been made and that as the main O.P. itself is coming up on 27-10-2021, this I.A. may be tagged on to the O.P. Accordingly, call this I.A. along with the main O.P.

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



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

Ms. Nameeta Singh submitted that the respondents have paid the principal liability of Rs.32,53,86,415/- and that a sum of Rs.7,02,81,252/- remains to be paid towards LPS. Sri P. Shiva Rao submitted that the respondents are in no position to pay the LPS and that the petitioner may consider relieving the respondents from the obligation of such payment. The learned Counsel for the petitioner fairly requested for an adjournment for instructions from her client in this regard. Call on 01-12-2021.

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)

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

Ms. Reaa Mehta submitted that Sri Sanjay Sen, learned Senior Counsel is unable to attend the hearing today. She requested for an adjournment. Call on 01-12-2021.

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 Counsel representing Advocate General are present at the web hearing.

Counsel for the petitioner is not present. Call on 10-11-2021.

Sd/-  
MEMBER / TRS

Sd/-  
CHAIRMAN

Sd/-  
MEMBER / PRR