

Record of Proceedings dated 07-04-2021

O.P.No.41 of 2020

APEPDCL Vs ---

Petition for determination of the True-up for distribution Business for 3rd control period (FY 2014-15 to FY 2018-19) under Clause 19, Pg 14 of the APERC (Terms and Conditions for Determination of Tariff for Wheeling and Retail Sale of Electricity) Regulation No. 4 of 2005

Sri P. Shiva Rao, learned Standing Counsel for the petitioner is present at the web hearing.

Sri P. Shiva Rao submitted that regrettably, none of the personnel connected with the petitioner have given instructions to him. He, however, submitted that in the interest of the petitioner, the case may be adjourned to enable him to get instructions and make his submissions. The request of the learned Standing Counsel is accepted and the O.P. is adjourned. Call on 07-07-2021.

Sd/-
MEMBER / TRS

Sd/-
CHAIRMAN

Sd/-
MEMBER / PRR

O.P.No.39 of 2021

M/s. Spectrum Power Generation Limited Vs APEPDCL & APSPDCL
Petition in the matter of Recovery of withheld balance Fixed Cost amount of Rs. 16.04 Crs out of Rs. 37.92 crs payable to M/s. SPGL for the Tariff Year 2018-19

Sri M. Naga Deepak, learned counsel representing Sri S. Ravi, learned Senior Counsel and Sri P. Shiva Rao, learned Standing Counsel for the respondents are present at the web hearing.

The Original Petition is dismissed as withdrawn, with liberty to file a fresh O.P. (vide separate order)

Sd/-
MEMBER / TRS

Sd/-
CHAIRMAN

Sd/-
MEMBER / PRR

O.P.No.30 of 2020

M/s. Tadas Wind Energy Pvt. Ltd Vs APSPDCL

"Petition under Section 86(1)(b), Section 86(1)e) and Section 86 (1)(f) of the Electricity Act, 2003 filed on behalf of M/s. Tadas Wind Energy Private Limited for immediate strict compliance by Southern Power Distribution Company of Andhra Pradesh Limited with the provisions of the various Power Purchase Agreements entered into between the parties and release of Amount Due "

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

Ms. Shreya Mukherjee, learned counsel for the petitioner submitted that after the case was last adjourned, all the arrears upto July 2020 have been paid by the respondents. She however submitted that the issue of Late Payment Surcharge still survives for consideration in the O.P. In view of the same, call on 14-07-2021 for hearing.

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

Sri K. Gopal Choudary, learned counsel for the petitioner, requested for further time for filing rejoinder. Call on 07-07-2021.

Sd/-
MEMBER / TRS

Sd/-
CHAIRMAN

Sd/-
MEMBER / PRR

I.A.No.45 of 2020 in O.P.No.65 of 2019

M/s. TGV SRAAC Ltd Vs APTRANSCO, APSPDCL & NREDCAP

Petition under Section 86(1) (f) of the Electricity Act, 2003 read with Regulation 55 of the APERC (Conduct of Business) Regulations, 1999 for adjudication of the disputes

between the parties in respect of giving credit of about 73,68,610 units of wind power generated and evacuated into Grid between April, 2016 to July, 2019 in the energy bills of the petitioner

Application filed by Respondent No.3 / APSPDCL under Clause 55 of APERC (Conduct of Business) Regulation No. 2 of 1999 for amendment of counter affidavit

Sri P. Sriraghuram, learned Senior Counsel along with Sri Alladi Ravinder, learned counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the respondents are present at the web hearing.

We have heard Sri P. Sriraghuram, learned Senior Counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the respondents, in part. For further hearing, call on 28-04-2021.

Sd/-
MEMBER / TRS

Sd/-
CHAIRMAN

Sd/-
MEMBER / PRR

O.P.No.60 of 2019

M/s. Green Infra Wind Solutions Ltd Vs APPCC & APSPDCL
Petition under Section 86 (1) (f) of the Electricity Act, 2003 read with Power Purchase Agreement dt.18-02-2017 executed between the petitioner and respondent for recovery of outstanding amounts legally due to the petitioner

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

Sri Vishrov Mukerjee, learned counsel for the petitioner has submitted that as per his instructions, a sum of Rs.12.33 crores is payable upto the end of December, 2020. Sri P. Shiva Rao, learned Standing Counsel for the respondents submitted that as per his instructions, an affidavit has been filed before the Hon'ble High Court of A.P. undertaking to pay the said amount before 31-05-2021. He reiterated the said

commitment before us. In the light of the above submissions, the respondents are directed to pay the admitted arrears of Rs.12.33 crores (as per the interim tariff) on or before 31-05-2021. Call on 07-07-2021.

Sd/-
MEMBER / TRS

Sd/-
CHAIRMAN

Sd/-
MEMBER / PRR

O.P. No.63 of 2019
M/s. Jindal Aluminium Ltd Vs APSPDCL & 2 others
Petition under Section 86 (1) (f) of the Electricity Act 2003 R/w APERC Conduct of Business Regulation 1999 for direction to make payment amounts against the monthly bills for the period from 01-08-2018 to 31-07-2019 and the amounts deducted towards rebate from monthly power bills for the period May, 2018 to June, 2018 along with interest in terms of PPA dated 14-08-2015

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.

Sri Challa Gunaranjan, learned counsel for the petitioner submitted that today a sum of Rs.5,45,36,700/- has been paid by the respondents. Sri P. Shiva Rao, learned Standing Counsel for the respondents submitted that further amounts, if any due, as per the undertaking that is proposed to be filed before the Hon'ble High Court of A.P. will also be paid as per the said undertaking. Call on 07-07-2021.

Sd/-
MEMBER / TRS

Sd/-
CHAIRMAN

Sd/-
MEMBER / PRR

O.P.No.18 of 2020 I.A.No.42 of 2020 I.A.No.43 of 2020 I.A.No.1 of 2021
I.A.No.2 of 2021
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

I.A.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 O.P.No.18 of 2020

I.A.No.43 of 2020 - Application under Regulation 56 r/w Section 55 f APERC (Conduct of Business) Regulations, 1999 seeking amendment of prayer V (a) to the reliefs sought in O.P.No.18 of 2020

I.A.No.1 of 2021 -"Application filed under Regulation 16 r/w Regulation 55 of the APERC Conduct of Business Regulation 1999

I.A.No.2 of 2021 - Application filed under section 86 (1) (1) of the Electricity Act, 2003 & r/w Regulation 55 of the APERC (Conduct of Business) Regulations, 1999

Sri K. Gopal Choudary and 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.

A perusal of the record shows that the petitioner has filed the purported amended copy of the O.P., but it is evident therefrom that a copy of the same O.P. which was filed earlier, has been filed, without incorporating the amendments ordered by this Commission. Sri Challa Gunaranjan, learned counsel for the petitioner requested for time for filing proper amended copy of the O.P. The O.P. is accordingly adjourned. Call on 14-07-2021.

I.A.No.2 of 2021 in O.P.No.18 of 2020:

Sri Challa Gunaranjan, learned counsel for the petitioner submitted that for Unit No.1, the respondents are not allowing despatch of power and that they are also not disposing of the application filed by the petitioner for Open Access. Sri P. Shiva Rao, learned Standing Counsel for the respondents submitted that the respondents will

immediately allow Open Access to the petitioner, pending the O.P. This submission of the learned Standing Counsel for the respondents is placed on record and the I.A. is accordingly disposed of.

Sd/-
MEMBER / TRS

Sd/-
CHAIRMAN

Sd/-
MEMBER / PRR

R.P.No.3 of 2020 in Lr.No.APERC/JD(PPP)/DD(P&PP)/F.No.E-938/D.No.451/ 18,
Dt:30-05-2018

APSPDCL & APEPDCL Vs Khandaleru Power Company Ltd
Victory Power Systems Pvt Ltd Raji Power Pvt Ltd

Review Petition under Section 94(1)(f) of Electricity Act 2003 , Regulation 49 & 59 of
APERC (Conduct of Business) Regulations, 1999 seeking review of the directions of
this Hon'ble Commission vide Lr.No.APERC/JD(PPP) /DD(P&PP)
/F.No.E-938/D.No.451/ 18, Dt:30.05.2018 in principle approval accorded for
procurement of power from Mini Hydel Projects

Sri P. Shiva Rao, learned Standing Counsel for the petitioners and Sri K. Gopal
Choudary & Sri Challa Gunaranjan, learned counsel for the respondent are present at
the web hearing.

Call along with O.P.No.18 of 2020 on 14-07-2021.

Sd/-
MEMBER / TRS

Sd/-
CHAIRMAN

Sd/-
MEMBER / PRR

O.P.No.40 of 2020 I.A.No.1 of 2021

Victory Power Systems Pvt Ltd Vs APSPDCL

Petition u/s 86 (1) (f) r/w Sections 86 (1) (b) and 86 (1) (e) of the Electricity Act, 2003
for adjudication of the dispute relating to the purchase of mini hydel power by
APSPDCL from Victory Power Systems Pvt Ltd in terms of the PPA dt.16-02-2019
and for approval thereof.

I.A.No.1 of 2021- Application for taking subsequent events and additional pleadings
on record and for amendment of prayer

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

I.A.No.1 of 2021 in and O.P.No.40 of 2020:

This application is filed for amendment of prayer and also to incorporate the additional pleadings. At the hearing, Sri P. Shiva Rao, learned Standing Counsel for the respondents submitted that his client has no objection for allowing this application. He, however, requested for liberty to file additional counter to meet the amended pleadings and prayer. This application is accordingly allowed as prayed for. The petitioner shall file the amended petition incorporating the proposed amendments within two weeks. Additional counter, if any, to be filed within two weeks thereafter. This I.A. is accordingly disposed of. Call O.P.No.40 of 2020 on 14-07-2021.

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

On a further request made by the learned counsel for the petitioner, call on 14-07-2021.

Sd/-
MEMBER / TRS

Sd/-
CHAIRMAN

Sd/-
MEMBER / PRR

O.P.No. 6 of 2020

M/s. Spectrum Power Generation Ltd Vs APSPDCL, APEPDCL & APTRANSCO
Petition under Section 86 (1)(f) of the Electricity Act, 2003 read with Clause (55) of
APERC (Conduct of Business) Regulations seeking recovery of rebate (2.5%)
deducted by DISCOMs in payment of monthly energy bills

Sri M. Naga Deepak, learned counsel representing Sri S. Ravi, learned senior counsel 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 petitioner has filed the Memo of Calculation only yesterday and that he needs time for verification and instructions. He requested for a short adjournment for this purpose.

Call on 28-04-2021.

Sd/-
MEMBER / TRS

Sd/-
CHAIRMAN

Sd/-
MEMBER / PRR

I.A.No.34 of 2020 in O.P.No.30 of 2016

M/s. SIFLON Drugs Vs APTRANSCO & APSPDCL

Petition under Section 142 of the Electricity Act, 2003 r/w Regulation 55 of the
APERC (Conduct of Business) Regulations, 1999 for violating and dis-obeying the
orders passed by the Commission dt.31-03-2018 in OP No.30 of 2016.

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.

We have heard Sri Challa Gunaranjan, learned counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the respondents. During the hearing Sri P. Shiva Rao pointed out that the order directing payment of pooled power cost is contrary to the Regulation. Sri Challa Gunaranjan submitted that payment of 50% pooled cost would have arisen had the petitioner been allowed the option of utilising the banked energy after giving credit to the units generated by the petitioner. Sri

P. Shiva Rao submitted that even now, the respondents have no objection for giving credit to the units treating them as banked energy and allowing them to utilise during this financial year subject to the Regulations. Sri Challa Gunaranjan submitted that his client has no objection if credit of the banked energy is given with right to utilise the same during this financial year as proposed by Sri P. Shiva Rao. Sri P. Shiva Rao has sought short time for filing an affidavit of a responsible officer of the respondents to the above effect. Call on 05-05-2021.

Sd/-
MEMBER / TRS

Sd/-
CHAIRMAN

Sd/-
MEMBER / PRR