

Record of Proceedings Dated 08-02-2023

OP No. 68 of 2022

M/s. Jindal Urban Waste Management (Guntur) Ltd Vs. APSPDCL & two Others

(Petition under Sections 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 the Southern Power Distribution Company of Andhra Pradesh Ltd. (hereinafter referred to as (APSPDCL), seeking directions to APSPDCL and APCPDCL not to reduce the tenure of the PPA from the existing term of 25 years to the proposed term of 10 to 15 years)

Sri M.Naga Deepak, counsel representing Sri S.Vivek Chandra Sekhar, learned counsel for the petitioner, and Sri P.Shiva Rao, learned Standing Counsel for the respondents, are present at the hearing.

After arguing the case for some time, Sri M.Naga Deepak, learned counsel representing the petitioner, requested time for instructions.

Call on 15-3-2023.

**Sd/-
MEMBER/TRS**

**Sd/-
CHAIRMAN**

**Sd/-
MEMBER/PRR**

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 this Hon'ble 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 N.V.Sumanth, learned counsel for the petitioner, and Sri P.Shiva Rao, learned Standing Counsel for the respondents, are present at the hearing.

After arguing the case for some time, Sri N.V.Sumanth, learned counsel representing the petitioner, requested time for instructions as to whether his client would like to pursue the Writ Petitions or not.

Call on 15-3-2023.

**Sd/-
MEMBER/TRS**

**Sd/-
CHAIRMAN**

**Sd/-
MEMBER/PRR**

OP No. 70 of 2022

M/s. Bharat Heavy Electricals Limited Vs. APTRANSCO & Others

(Petition filed Under Section 86(1)(f) of the Electricity Act 2003 seeking a direction to the Respondents to pay jointly and severally a sum of Rs. 1,90,31,273/- (Rupees One Crore, Ninety Lakhs, Thirty One Thousand, Two Hundred and Seventy Three only) together with interest at 10% per annum from the respective dates towards invoice dated 07/12/2019 issued in respect of the 3 MW power for 6012440 Units injected between April 2016 to November 2019 to the respondents at its Inter-connection point based on the collective Joint Meter reading).

Smt. Malathi, learned counsel for the petitioner; Sri P.Shiva Rao, learned Standing Counsel for the respondents 1 to 5; and Sri M.Vidyasagar, learned Standing Counsel for the respondent No.6; are present at the hearing.

Sri M.Vidyasagar, learned Standing Counsel for respondent No.6-APGENCO, submitted that he is filing his counter today. Office shall take the counter on file.

At the request of Sri P.Shiva Rao, learned Standing Counsel for the respondents 1 to 5, four weeks' time for filing counter is granted.

Call on 15-3-2023.

**Sd/-
MEMBER/TRS**

**Sd/-
CHAIRMAN**

**Sd/-
MEMBER/PRR**

OP No. 71 of 2022

M/s. Dalmia Cement Bharath Limited Vs. APSLDC

(Petition filed under Section 86(1)(e) of The Electricity Act, 2003 R/w Clause 9 of the APERC Renewable Power Purchase Obligation (Compliance by Purchase of Renewable Energy/Renewable Energy Certificates) Regulations, 2022).

OP allowed, vide separate order.

**Sd/-
MEMBER/TRS**

**Sd/-
CHAIRMAN**

**Sd/-
MEMBER/PRR**

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 Para 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 N.V.Sumanth, learned counsel for the petitioner, and Sri P.Shiva Rao, learned Standing Counsel for the respondents, are present at the hearing.

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

Call on 15-3-2023.,

**Sd/-
MEMBER/TRS**

**Sd/-
CHAIRMAN**

**Sd/-
MEMBER/PRR**

**RP No. 1 of 2023 in R.P.No.19 of 2015 in OP No.19 of 2014
APEPDCL**

(To grant waiver from fulfilling/more time to meet the Leftover RPPO for the years from 2012-13 to 2018-19 stipulated under APERC Regulation 1 of 2012 and APERC Regulation 1 of 2017)

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

Review petition dismissed, vide separate order.

**Sd/-
MEMBER/TRS**

**Sd/-
CHAIRMAN**

**Sd/-
MEMBER/PRR**

Revision Petition No. 1 of 2022

Sri. Mahaveer Kumar & three others Vs. District Collector, Guntur & four others

(This Rev. Petition is filed under Rule 13(2) of the A.P. Works of Licensee Rules 2007)

Sri M.Praveen Kumar, counsel representing Sri M.Muralikrishna, learned counsel for the petitioner, and Sri P.Shiva Rao, learned Standing Counsel for the respondents, are present at the hearing.

As per the directions of this Commission, the Deputy Director (P&PP) inspected the field and submitted his Field Inspection Report dated 23-1-2023.

Copies of the said report are directed to be furnished to the counsel for both sides by the Commission's office today. The learned counsel for both the parties are permitted to file their objections/comments, if any, to the said report.

Call on 26-4-2023.

**Sd/-
MEMBER/TRS**

**Sd/-
CHAIRMAN**

**Sd/-
MEMBER/PRR**

OP No. 23 of 2022 & IA No 1 of 2022

M/s Ayaana Anantapur Solar Pvt Ltd. Vs. NTPC, APEPDCL & APSPDCL

(Petition under Section 86(1)(f) of the Electricity Act, 2003 read with Article 12 of the Power Purchase Agreement dated 17.07.2018 between the Petitioner and Respondent No.1 seeking relief on account of Change in Law, viz., the imposition of Safeguard Duty by way of Notification No.01/2018 Customs (SG) dated 30.07.2018 issued by the Department of Revenue, Ministry of Finance, Government of India, and subsequent extension/continuation thereof by way of Notification No.02/2020 Customs (SG) dated 29.07.2020.

OP No. 24 of 2022 & I.A. No. 1 of 2022 and IA No.2 of 2022

M/s Adani Solar Energy AP Seven Pvt Ltd., Vs NTPC, APEPDCL & APSPDCL

(Petition filed under section 86(1) (f) and (k) of the Electricity Act, 2003 read with 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, Government of India)

(I.A. No.1 is filed by petitioner seeking interim directions).

OP No. 25 of 2022

Spring Agnitra Private Limited Vs NTPC, APSPDCL & APEPDCL

(Petitioner filed under Section 86(1)(b) read with Sections 86(1)(f) and (k) of the Electricity Act, 2003 for - (i) declaration of the event of introduction and imposition of safeguard duty by way of notification No. 1/ 2018 - Customs SG dated 30-07-2018 and notification No.2/2020 - Customs SG dated 29-07-2020 issued by the Department of Revenue, Ministry of Finance as "Change in Law" and (ii) grant of consequential relief to compensate for the increase in capital cost due to the Change in Law, in terms of Article 12 of the PPA dt. 05-07-2018 executed between the petitioner and NTPC Ltd).

Sri S.Ravi, learned Senior Counsel for the petitioners in all the OPs - assisted by Ms. Priya Dhankar, counsel representing Sri Aniket Prasoon, learned counsel for the petitioner in OP No.23 of 2022; Sri Saahil Kaul, counsel representing Sri Jafar Alam,

learned counsel for the petitioner in OP No.24 of 2022; Ms. Parichita Chowdhary and Sri Puneeth Upadhyay, counsel representing Sri Hemanth Sahai, learned counsel for the petitioner in OP No.25 of 2022 - Ms. Sakie Jakharia, learned counsel representing Respondent No.1-NTPC and Sri P.Shiva Rao, learned Standing Counsel for the Respondent No.2 & 3 in all the OPs, are present at the hearing.

At the end of the hearing, Sri S.Ravi, learned Senior Counsel appearing for the petitioners in all the OPs, requested permission to file a brief synopsis and the relevant dates and also the material, if any, relating to the preliminary notification dated 05-1-2018 issued by the Customs and Central Excise Department.

Ten days time for this purpose is accordingly granted.

Orders reserved.

Sd/-
MEMBER/TRS

Sd/-
CHAIRMAN

Sd/-
MEMBER/PRR