

Record of Proceedings dated 13-04-2022

OP No. 114 of 2021
Triveni Enterprises Vs. APTRANSCO & APSPDCL

Petition filed under sections 86(1)(a), 86(1)(b) and 86(1)(e) of the Electricity Act, 2003, for approval of generic tariff at Rs. 3.43/- per unit for sale of wind power to the AP DISCOMs, for PPA dt: 31-03-2011 in the State of Andhra Pradesh, after expiry of the ten year period in terms of the Order dated: 01-05-2009 passed by this Hon'ble Commission in OP Nos. 6 and 7 of 2009

OP No. 115 of 2021
Chandulal Surajmal Vs. APTRANSCO & APSPDCL

Petition filed under sections 86(1)(a), 86(1)(b) and 86(1)(e) of the Electricity Act, 2003, for approval of generic tariff at Rs. 3.43/- per unit for sale of wind power to the AP DISCOMs, for PPA dt: 21-04-2010 in the State of Andhra Pradesh, after expiry of the ten year period in terms of the Order dated: 01-05-2009 passed by this Hon'ble Commission in OP Nos. 6 and 7 of 2009

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

Sri A.P.Reddy, learned counsel for the petitioners, submitted that the proof of publication was filed yesterday only.

Call on 20-07-2022 for hearing.

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

The learned counsel for the petitioner submitted that the publication has been made and that the proof of publication will be filed today.

Call on 20-07-2022 for hearing.

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.

OP No. 52 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.

OP No. 53 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.

OP No. 54 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.

OP No. 55 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.

OP No. 56 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.

OP No. 57 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.

OP No. 58 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.

OP No. 61 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.

Sri. Deepak Chowdary, Advocate, representing Sri. Challa Gunaranjan, learned counsel for the petitioner in OP No. 42 of 2021; Sri. A. P. Reddy, learned counsel for the petitioners in the other O.Ps., and Sri P. Shiva Rao, learned Standing Counsel for the Respondents, are present at the web hearing.

Proof of publication has been filed in O.P.Nos.52 and 54 of 2021 also.

Call on 13-07-2022 for hearing.

Sd/-
MEMBER / TRS

Sd/-
CHAIRMAN

Sd/-
MEMBER / PRR

OP No. 105 of 2021
M/s International Conveyors Limited Vs. APTRANSCO & APSPDCL

Petition under the Sections 86(1)(a), 86(1)(b) and 86(1)(e) of the Electricity Act, 2003, seeking approval of generic tariff at Rs.3.43/- per unit for sale of wind power to the A.P. DISCOMS, from its generating plants located at Kurnool District, after expiry of the initial ten 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. A.P. Reddy, learned counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the respondents are present at the web hearing.

Proof of publication has been filed.

Call on 13-07-2022 for hearing.

Sd/-
MEMBER / TRS

Sd/-
CHAIRMAN

Sd/-
MEMBER / PRR

OP No. 25 of 2022
M/s. Sprng Agnitra Pvt Ltd Vs. NTPC, APSPDCL & APEPDCL

Petitioner filed under section 86(1)(b) read with section 86(1)(f) of the Electricity Act, 2003 along with Section 86(1)(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. P. Sri Raghuram, Sr. Counsel for the petitioner; Ms. Sakie Jakharia, learned counsel for respondent No.1 and Sri P. Shiva Rao, learned Standing Counsel for respondent Nos. 2 & 3 are present at the web hearing.

Ms. Sakie Jakharia, learned counsel for respondent No.1 and Sri P. Shiva Rao, learned Standing Counsel for respondent Nos. 2 & 3, requested time for filing counter-affidavits.

Call on 15-06-2022 along with OP Nos. 23 & 24 of 2022.

Sd/-
MEMBER / TRS

Sd/-
CHAIRMAN

Sd/-
MEMBER / PRR

OP No. 26 of 2022
Parasakti Cement Industries 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, 2017 - Regulation
1 of 2017

Sri. Deepak Choudary, Advocate representing 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.

Sri P. Shiva Rao, learned Standing Counsel for the respondent, requested time for filing counter-affidavit.

Call on 13-07-2022.

Sd/-
MEMBER / TRS

Sd/-
CHAIRMAN

Sd/-
MEMBER / PRR

IA No. 1 of 2022 in OP No. 112 of 2021
M/s. Walwhan Renewable Energy Ltd Vs. APSPDCL, APSLDC, APTRANSCO &
APPCC

Petition filed under section 42, 86 (1)(e) read with section 86 (1) (f) of the Electricity Act, 2003 seeking adjudication of various disputes that have arisen between the petitioner and respondents i.e. APSPDCL, APSLDC & APTRANSCO

Application filed under Regulation 17 read with Regulation 55 of the APERC
(conduct of business regulations), 1999 seeking appointment of a local
commissioner / independent expert person along with Affidavit

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.

This application is filed for the following reliefs:

- a) Allow the present Application by appointing an independent expert person/Local Commissioner to conduct an investigation at the petitioner's Project site;
- b) Direct the independent expert/Local Commissioner/Committee so appointed to submit a report pursuant to the investigation within a period of one week from the date of investigation; and

- c) Direct the APSPDCL not to carry out any arbitrary deduction on the purported ground of excess DC capacity.

Separate counters have been filed by respondents 1 and 4 and respondent No.2, respectively.

The dispute pertains to the alleged installation of additional panels by the petitioner.

At the hearing, Sri P.Shiva Rao, learned Standing Counsel for the respondents, candidly submitted that the dispute regarding installation of additional panels is confined only upto August, 2019; and that since September, 2019 the respondents have not been raising demand for additional panels as they have been allegedly removed.

In the light of the above stand of the respondents, the necessity for adjudication of the I.A., on merits is obviated.

As far as the liability upto August, 2019 is concerned, the same shall be adjudicated in the O.P.

With the above observations, the I.A. is disposed of.

Call the OP on 03-08-2022 for hearing.

Sd/-
MEMBER / TRS

Sd/-
CHAIRMAN

Sd/-
MEMBER / PRR

OP. No. 86 of 2021 & IA No. 1 of 2021
M/s. Sarda Metals & Alloys Ltd Vs. APEPDCL

Petition u/s 86 (1) (f) of the Electricity Act, 2003 challenging the levy & collection of overinjection charges and seeking a direction to the respondent to pay an amount of Rs.2,90,81,340/- towards the power (10769675 KWH) injected by the petitioner during the period of 03.02.2013 to 28.02.2021.

Interlocutory Application is filed seeking interim relief

Sri. Kaushik Soni, representing Sri. P. Vikram, learned counsel for the petitioner; and Sri. P. Shiva Rao, learned Standing counsel for the Respondent are present at the web hearing.

Further time for filing rejoinder is requested. Time is accordingly granted.

Call on 13-07-2022 for rejoinder.

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. Kaushik Soni, representing Sri. P. Vikram, learned counsel for the petitioner; and Sri. P. Shiva Rao, learned Standing counsel for the Respondent are present at the web hearing.

Further time for filing rejoinder is requested. Time is accordingly granted.

Call on 13-07-2022 for rejoinder.

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. Alok Shankar, 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 as this Commission has rejected counter-claims as not maintainable, his clients have filed a fresh O.P., making certain claims against the petitioner.

Office is directed to verify and process the same as and when it is filed.

At the request of the learned counsel for the petitioner in O.P. No.41 of 2021, four weeks' time for filing counter in the proposed O.P., is granted.

Sri P.Shiva Rao, learned Standing Counsel for the respondents, has undertaken to furnish a copy of the entire set of the proposed O.P., to the learned counsel for the petitioner in O.P.No.41 of 2021 today itself. Two weeks' time for rejoinder is granted to the respondents herein in the proposed O.P., to be filed by them.

Call on 03-08-2022 for hearing.

Sd/-
MEMBER / TRS

Sd/-
CHAIRMAN

Sd/-
MEMBER / PRR

OP No. 89 of 2021
M/s. Mytrah Vayu (Pennar) Private Limited Vs. APSPDCL & APPCC

Petition under Section 86(I)(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. Deepak Chowdary 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.

The General Manager (Accounts) APCPDCL filed an affidavit, wherein it has been stated that in spite of their best efforts, they could not raise funds for payment of the admitted amount of Rs.6,07,52,288/- and that time may be granted till 30-5-2022 for payment of the said amount.

After hearing the learned counsel for the parties, time is extended as prayed for, finally.

Call on 06-07-2022 for reporting compliance.

Sd/-
MEMBER / TRS

Sd/-
CHAIRMAN

Sd/-
MEMBER / PRR

O.P.No. 21 of 2020
Tata Power Renewable Energy Ltd Vs. APSPDCL, APSLDC & APTRANSCO

Petition for directions treating the loss of a generation of Rs. 68.39 Crores as computed till May 2020 on account of curtailment of power as a deemed generation by the Petitioner/TPREL and direct Respondent No. 1 to make payment for the said Deemed Generation Charges.

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.

Mr. Shri Venkatesh, learned counsel for the petitioner, made his further submissions. He has submitted that he will file the relevant data pertaining to curtailment and loss of generation capacity on account of such curtailment, and conclude his submissions with reference to the said material on the next date of hearing. He has sought two weeks' time for filing the said data.

Sri P. Shiva Rao, learned Standing Counsel for the respondents, submitted that he will make his reply submissions immediately after conclusion of the arguments by the learned counsel for the petitioner on the next date of hearing.

Call on 14-06-2022.

Sd/-
MEMBER / TRS

Sd/-
CHAIRMAN

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MEMBER / PRR