

Record of Proceedings dated 15-06-2022

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| OP No. 28 of 2022 | - | APSPDCL |
| OP No. 29 of 2022 | - | APEPDCL |
| OP No. 30 of 2022 | - | APCPDCL |

Public hearing in the matter of Petitions for pass through of Fuel & Power Purchase Cost Adjustment (FPPCA) for 3rd quarter for FY 2021-22 (Oct'21 to Dec'21) in Rs./unit as per Regulation No.4 of 2021

Sri P. Shiva Rao, learned Standing Counsel for the petitioners; and Sri. Ch. Babu Rao-CPI (M); Sri. R. Shiva Kumar-APTMA; Sri. Srikant Vijay Dhuri-FAPTCCI & SICMA, Objectors are present at the web hearing.

The Objectors have raised objections on the insufficient data furnished by the DISCOMS.

Hence, the DISCOMS are directed to furnish all the information within ten days and post it on their web sites. Objectors may offer their comments within 7 days thereafter.

Call on 06-7-2022 for filing replies by the DISCOMS

Sd/-
MEMBER / TRS

Sd/-
MEMBER / PRR

OP No. 43 of 2021 & IA No. 1 of 2022
M/s. Texmo Industries 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 PPA dated 20-04-2010 and for a direction against the respondents for the payments of the outstanding amounts

IA filed under Section 86(1)(b), 86(1)(e) and 86(1)(f) of the Electricity Act, 2003 in OP No. 43 of 2021 for specific performance of the PPA Dt 20-04-2010 and for a direction against the respondents for the payments of the outstanding amounts from April, 2020 to December, 2021

OP No. 44 of 2021 & IA No. 1 of 2022
M/s. Texmo Precision Casting 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 PPA dated 02-08-2010 and for a direction against the respondents for the payments of the outstanding amounts

IA filed under Section 86(1)(b), 86(1)(e) and 86(1)(f) of the Electricity Act, 2003 in OP No. 44 of 2021 for specific performance of the PPA Dt 02-08-2010 and for a direction against the respondents for the payments of the outstanding amounts from September 2020 to December, 2021

OP No. 45 of 2021 & IA No. 1 of 2022
M/s. Triveni Enterprises 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 PPA dated 31-03-2011 and for a direction against the respondents for the payments of the outstanding amounts

IA filed under Section 86(1)(b), 86(1)(e) and 86(1)(f) of the Electricity Act, 2003 in OP No. 45 of 2021 for specific performance of the PPA Dt 31-03-2011 and for a direction against the respondents for the payments of the outstanding amounts from September 2020 to December, 2021

OP No. 46 of 2021
M/s. Texonic Instruments 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 PPA dated 16-12-2010 and for a direction against the respondents for the payments of the outstanding amounts

OP No. 47 of 2021
M/s. Vikram Traders 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 PPA dated 18-03-2010 and for a direction against the respondents for the payments of the outstanding amounts

OP No. 48 of 2021 & IA No. 48 of 2022
M/s. Siddanga Oil Extractions 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 PPA dated 22-04-2010 and for a direction against the respondents for the payments of the outstanding amounts

IA filed under Section 86(1)(b), 86(1)(e) and 86(1)(f) of the Electricity Act, 2003 in OP No. 48 of 2021 for specific performance of the PPA Dt 22-04-2010 and for a direction against the respondents for the payments of the outstanding amounts from April 2020 to December, 2021

OP No. 49 of 2021
M/s. S. Kumar 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 PPA dated 23-04-2010 and for a direction against the respondents for the payments of the outstanding amounts

OP No. 50 of 2021
M/s. Prakash Beedies Pvt Ltd APTRANSCO & APSPDCL.

Petition under Section 86(1)(b), 86 (1) (e) and 86 (1) (f) of the Electricity Act, 2003 for specific performance of PPA dated 20-04-2010 and for a direction against the respondents for the payments of the outstanding amounts

OP No. 51 of 2021
M/s. Arts & Crafts Exports 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 PPA dated 21-04-2010 and for a direction against the respondents for the payments of the outstanding amounts

OP No. 60 of 2021
M/s. Shreem Electric Ltd Vs. APTRANSCO & APSPDCL

Petition under section 8(1)(b), 86(1)(e) and 86 (1) (f) of the Electricity Act, 2003 for specific performance of the Power Purchase Agreement dated 30-03-2011 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 the Respondents, are present at the web hearing.

Both the learned counsel represented that there is no need to carry out publication of notice, as required under Section 64(2) of the Act, in this case.

Sri P.Shiva Rao, learned Standing Counsel for the Respondents, submitted that the admitted amounts schedule will be filed by the next date of hearing.

Call on 20-07-2022 for hearing.

Sd/-
MEMBER / TRS

Sd/-
MEMBER / PRR

OP No. 27 of 2022

Sri. Kolapalli Suryanarayana Vs. (i) AE / Operation / APEPDCL Vedurumudi, (ii) Dy. Executive Engineer / Operation / Ramachandrapuram, (iii) Executive Engineer / Operation / APEPDCL / Ramachandrapuram

Complaint petition under section 142 of the Indian Electricity Act, 2003 for non-compliance and contravention of the provisions of the Indian Electricity Act, 2003 and the rules and regulations made thereunder

Sri Veera Venkata Satyanarayana, for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the Respondents, are present at the web hearing.

This matter pertains to the dispute between the consumer and the DISCOM, on which this Commission has no jurisdiction.

Hence, the petition is dismissed for want of jurisdiction. The petitioner is at liberty to pursue his remedy at the appropriate Forum.

Sd/-
MEMBER / TRS

Sd/-
MEMBER / PRR

OP No. 31 of 2022
Mytrah Vayu (Pennar) Pvt. Ltd. Vs. APSPDCL

Petition filed under Sections 86 (I)(a), 86 (I)(b) and 86 (I)(e) of the Electricity Act, 2003, seeking Approval of Tariff of at least Rs.3.43/- per unit or higher for sale of Wind Power by the Petitioner's 16.8 MW Wind Power Plant to the Respondent herein for the PPA dated 27.04.2012 for the balance tenure from 11th year to operation to 20th year in terms of the Order dated 01.05.2009 passed by this Hon'ble Commission in O.P Nos.6 and 7 of 2009.

OP No. 37 of 2022
Indian Oil Corporation Ltd. Vs. APSPDCL

Petition filed under 86(1) (a), 86(1)(b), 86(1)(e) of the Electricity Act, 2003 seeking approval of tariff of Rs. 3.50/- per unit or higher for sale of wind power by the petitioner's 10.5 MW wind power plant at Vajrakarur to the respondent herein for the PPA dated 08-05-2012 for the balance tenure from 11th year of operation to 20th year in terms of the order dated 01-05-2009 passed by this Hon'ble Commission in OP Nos. 6 & 7 of 2009

OP No. 38 of 2022
Indian Oil Corporation Ltd. Vs. APSPDCL

Petition filed under 86(1) (a), 86(1)(b), 86(1)(e) of the Electricity Act, 2003 seeking approval of tariff of Rs. 3.50/- per unit or higher for sale of wind power by the petitioner's 16.8 MW wind power plant at Vajrakarur to the respondent herein for the PPA dated 31-03-2012 for the balance tenure from 11th year of operation to 20th year in terms of the order dated 01-05-2009 passed by this Hon'ble commission in OP Nos. 6 & 7 of 2009

Sri.M. Sridhar, representing Sri. Challa Gunaranjan, counsel for the petitioners and Sri P. Shiva Rao, learned Standing Counsel for the Respondent, are present at the web hearing.

Sri P.Shiva Rao, learned Standing Counsel, requested time for filing counters. Accordingly, three weeks' time is granted.

The petitioner shall carryout publication of notices, as required under Section 64(2) of the Act, in two newspapers, one in regional language (Telugu) and the other in English, having wide circulation within the State of Andhra Pradesh.

Call on 13-7-2022 for filing proof of publication. Meanwhile, the respondent shall pay tariff at Rs.2.43 ps., per unit from 11th year onwards, pending further orders.

Office to list these matters along with the connected matters on the aforesaid date.

Sd/-
MEMBER / TRS

Sd/-
MEMBER / PRR

RP No. 3 of 2022 in OP No. 30 of 2020
M/s Tadas Wind Energy Pvt Ltd. Vs APSPDCL

Petition filed under section 94(1)(f) of the Electricity Act, 2003 read with order 47 Rule 1 of the CPC, 1908 and regulation 49 of the AP Electricity Regulatory Commission (Business Rules of the Commission) Regulations, 1999 for review of final order dated 02-02-2022 passed in petition bearing OP No. 30 of 2020

Sri Avijeet Lala, 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.

Accordingly, four weeks' time is granted for filing counter and two weeks' time is granted to the petitioner for filing reply, if any.

Call on 03-08-2022.

Sd/-
MEMBER / TRS

Sd/-
MEMBER / PRR

OP No. 23 of 2022 & IA No. 1 of 2022
M/s. Ayaana Ananthapuram Solar Pvt Ltd Vs. NTPC, APSPDCL & APEPDCL

Petition under Section 86(l)(f) of the Electricity Act, 2003 and Article 12 of the Power Purchase Agreement dated 17.07.2018 between the Petitioner and the Respondent No. 1 seeking relief on account of Change in Law, viz., the imposition of Safeguard Duty by way of the 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.

Petitioner also filed an application seeking urgent listing of the accompanying petition along with supporting affidavit

Sri.Aniket Prasoon, counsel for the petitioner; Ms. Sakie Jakharia, Standing counsel for Respondent No.1 and Sri P. Shiva Rao, learned Standing Counsel for Respondent Nos.2 & 3 are present at the web hearing.

At the request of the learned counsel for the respondents, two weeks' time is granted for filing counter-affidavits and a week's time is granted for filing rejoinders.

Call on 27-07-2022.

Sd/-
MEMBER / TRS

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

At the request of the learned counsel for the respondents, two weeks' time is granted for filing counter-affidavits and a week's time is granted for filing rejoinder by the learned counsel for the petitioner.

Call on 27-07-2022.

Sd/-
MEMBER / TRS

Sd/-
MEMBER / PRR

OP No. 25 of 2022

Spring Agnitra Private Limited 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.

Ms. Molshree Bhatnagar, Advocate of HSA Associates, for the petitioner; Ms. Sakie Jakharia, counsel for Respondent No.1, and Sri P. Shiva Rao, learned Standing Counsel for the Respondent Nos.2 & 3 are present at the web hearing.

At the request of the learned counsel for the respondents, two weeks' time is granted for filing counter-affidavits and a week's time is granted for filing rejoinder by the learned counsel for the petitioner.

Call on 27-07-2022.

Sd/-
MEMBER / TRS

Sd/-
MEMBER / PRR