

**Record of Proceedings dated 15-12-2021**

O.P.No.29 of 2020  
M/s. Vaayu (INDIA) Power Corporation Limited

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 Sri Saajan Poovayya, learned senior counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the DISCOMs are present at the web hearing.

We have heard Sri Saajan Poovayya, learned Senior Counsel for the petitioner and Sri M. Venugopal Rao, learned objector, at length. During his submissions, Sri M. Venugopal Rao requested that the petitioner may be directed to submit the audited accounts reflecting the actual results achieved vis-a-vis the normative parameters fixed by the Commission vide its order dated 01-05-2009 in O.P.Nos.6 & 7 of 2009. Sri Saajan Poovayya fairly agreed to submit the relevant data by 24-01-2022 and furnish copies to Sri P. Shiva Rao and Sri M. Venugopal Rao. Sri P. Shiva Rao requested for an adjournment for making his submissions. Call on 02-02-2022 for further hearing.

Sd/-  
MEMBER / TRS

Sd/-  
CHAIRMAN

Sd/-  
MEMBER / PRR

OP No. 113 of 2021  
Vayu (India) Power Corporation Limited Vs. APTRANSCO, APPCC & APSPDCL

Petition filed 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 29-05-2010 and for a direction against the respondents to make payments of the outstanding amounts

Sri Vishal Gupta, 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 requested for time for filing counter. Three weeks' time is accordingly granted for filing counter and one week's time thereafter for filing rejoinder is granted to the petitioner. Call on 02-02-2022.

Sd/-  
MEMBER / TRS

Sd/-  
CHAIRMAN

Sd/-  
MEMBER / PRR

OP No. 114 of 2021 & IA No. 1 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

Interim 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. 115 of 2021 & IA No. 1 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

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

Sri P. Shiva Rao requested for time for filing counter. Time is accordingly granted. Call on 23-02-2022.

I.A.No.1 of 2021

Sri. A.P. Reddy, learned Counsel for the petitioner, submitted that in identical matters, this Commission has granted interim order directing the respondents to pay interim tariff @ Rs.2.43 ps. per unit from the 11th year onwards subject to the final orders that may be passed in the O.P. Sri P. Shiva Rao, learned Standing Counsel for the respondents, has fairly admitted the said position.

In the light of the above, the respondents are directed to pay the petitioner interim tariff @ Rs.2.43 ps. per unit from the 11th year onwards pending further orders, which shall be subject to the final outcome of the O.P.

The I.A. shall accordingly stand disposed of.

Sd/-  
MEMBER / TRS

Sd/-  
CHAIRMAN

Sd/-  
MEMBER / PRR

OP No. 116 of 2021  
Chandulal Surajmal Vs. APTRANSCO & APSPDCL

Petition filed under section 86(1)(b), 86 (1)(b), 86(1)(e) and 86(1)(f) of the Electricity Act, 2003 for specific performance of the Power Purchase Agreement dated: 21-04-2010 and for direction against the Respondents for the payment of the outstanding amounts

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.

Sri P. Shiva Rao requested for time for filing counter. Three weeks' time is accordingly granted for filing counter and one week's time thereafter for filing rejoinder is granted to the petitioner. Call on 02-02-2022.

Sd/-  
MEMBER / TRS

Sd/-  
CHAIRMAN

Sd/-  
MEMBER / PRR

OP No. 93 of 2021  
M/s Axis Wind farms (MPR Dam) Vs. APSPDCL

OP No. 94 of 2021  
M/s Saipuram Wind Energies Pvt Ltd., Vs. APSPDCL

OP No. 95 of 2021  
M/s JED Solar Parks Pvt. Ltd., Vs. APSPDCL

OP No. 96 of 2021  
M/s Skeiron Renewable Energy Amidyala Ltd., Vs. APSPDCL

OP No. 97 of 2021  
M/s Animala Wind Power Pvt Ltd., Vs. APSPDCL

OP No. 98 of 2021  
M/s Poly Solar Parks Pvt. Ltd. Vs. APSPDCL

OP No. 99 of 2021  
M/s Vayuputhra Energy Pvt Ltd., Vs. APSPDCL

OP No. 100 of 20221  
M/s Sandla Wind Project Pvt. Ltd., Vs. APSPDCL

OP No. 101 of 2021  
M/s Guttaseema Wind Energy Company Pvt Ltd., Vs. APSPDCL

Petition under section 86 (1) (e) & (f) of the Electricity Act, 2003 r/w Regulation 55 of APERC (Conduct of Business) Regulations, 1999, as amended r/w Article 10 of PPA seeking outstanding dues, late payment interest etc.

Sri. P. Sri Raghuram, Learned Senior Counsel for the petitioners and Sri P. Shiva Rao, learned Standing Counsel for the Respondent are present at the web hearing.

Sri P. Sri Raghuram requested further time for making his submissions. Call on 23-02-2022.

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.

Application seeking interim relief

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. At the request of Sri Jeevan Kumar, time for filing rejoinder is granted. Call on 23-02-2022.

Sd/-  
MEMBER / TRS

Sd/-  
CHAIRMAN

Sd/-  
MEMBER / PRR

OP No. 83 of 2021

M/s. Blyth Wind Park Pvt. Ltd. Vs. APPCC, APSPDCL, APTRANSCO & APSLDC

Petition under Section 86(l)(f) of the Electricity Act, 2003 for adjudication of dispute arising from the action of Andhra Pradesh Power Coordination Committee and Southern Power Distribution Company of Andhra Pradesh Limited in delaying the processing of and consequently withholding payment for unutilised banked energy in respect of the Petitioner's wind power project for the Financial Years 2017-18, 2018-19 and 2019-20 in contravention of the provisions of the Andhra Pradesh Electricity Regulatory Commission (Interim Balancing and Settlement Code) Regulations, 2006 and the amendments thereto, along with Affidavit

OP No. 84 of 2021

M/s. Artia Wind Power Pvt Ltd Vs. APPCC, APSPDCL, APTRANSCO & APSLDC

Petition under Section 86(1)(f) of the Electricity Act, 2003 for adjudication of dispute arising from the action of Andhra Pradesh Power Coordination Committee and Southern Power Distribution Company of Andhra Pradesh Limited in delaying the processing of and consequently withholding payment for unutilised banked energy in respect of the Petitioner's wind power project for the Financial Years 2017-18, 2018-19 and 2019-20 in contravention of the provisions of the Andhra Pradesh Electricity Regulatory Commission (Interim Balancing and Settlement Code) Regulations, 2006 and the amendments thereto along with Affidavit

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

O.Ps. are disposed of (vide separate order)

Sd/-  
MEMBER / TRS

Sd/-  
CHAIRMAN

Sd/-  
MEMBER / PRR

OP No. 78 of 2021 & IA No. 1 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.

Application under Section 94 of the Electricity Act, 2003 and Clause 16 r/w Clause 55 of the APERC (Conduct of Business) Regulations, 1999 to bring on record subsequent facts and additional documents

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

Reply affidavit is filed. Sri P. Shiva Rao submitted that his clients are not agreeable for the settlement proposed by the petitioner. In the light of the same, call on 02-02-2022.

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, 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 submitted that the Government has since intervened to settle the disputes between the parties. Sri K. Gopal Chowdary also confirmed this information furnished by the learned Standing Counsel. In the light of the same, the O.P. is adjourned to 02-02-2022 for reporting settlement, if any.

Sd/-  
MEMBER / TRS

Sd/-  
CHAIRMAN

Sd/-  
MEMBER / PRR

OP No. 91 of 2021  
M/s. JSW Power Trading Company Ltd Vs. APSPDCL

Petition under Section 142 of the Electricity Act, 2003 r/w Regulation 55 of the APERC (Conduct of Business) Regulation, 1999 seeking imposition of punishment on the respondent for dis-obeying the orders dated.06.03.2020 passed by this Hon'ble Commission in O. P. No. 34 of 2019.

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

Sri Harinath Rao, CMD of the respondent is personally present. He submitted that in view of their poor financial position they are unable to make payment. Considering the fact that the time granted by this Commission for payment of the amount has expired as far back as 06-04-2020, we are not inclined to accept the request of the CMD to grant further time for payment. However, considering the dire straits in which the respondent has been placed financially, we are granting a month's time to the respondent to pay at least 1/4th of the amount payable under order dated 06-03-2020 in O.P.No.34 of 2019. The CMD shall be personally present to report such payment on the next date of hearing. Call on 02-02-2022.

Sd/-  
MEMBER / TRS

Sd/-  
CHAIRMAN

Sd/-  
MEMBER / PRR