

**Record of Proceedings dated 16-03-2022**

OP No. 106 of 2021  
APEPDCL

Public hearing in the matter of Petition filed under section 86(1)(b) and section 62 of Electricity Act 2003 read with regulation 8 of APERC (Conduct of Business) Regulations, 1999 for computation of Pooled cost of power Purchase for the year 2017-18 to be considered for the year 2018-19

OP No. 107 of 2021  
APEPDCL

Public hearing in the matter of Petition filed under section 86(1)(b) and section 62 of Electricity Act 2003 read with regulation 8 of APERC (Conduct of Business) Regulations, 1999 for computation of Pooled cost of power Purchase for the year 2018-19 to be considered for the year 2019-20

OP No. 108 of 2021  
APEPDCL

Public hearing in the matter of Petition filed under section 86(1)(b) and section 62 of Electricity Act 2003 read with regulation 8 of APERC (Conduct of Business) Regulations, 1999 for computation of Pooled cost of power Purchase for the year 2019-20 to be considered for the year 2020-21

OP No. 109 of 2021  
APSPDCL

Public hearing in the matter of Petition filed under section 86(1)(b) and section 62 of Electricity Act 2003 read with regulation 8 of APERC (Conduct of Business) Regulations, 1999 for computation of Pooled cost of power Purchase for the year 2017-18 to be considered for the year 2018-19

OP No. 110 of 2021  
APSPDCL

Public hearing in the matter of Petition filed under section 86(1)(b) and section 62 of Electricity Act 2003 read with regulation 8 of APERC (Conduct of Business) Regulations, 1999 for computation of Pooled cost of power Purchase for the year 2018-19 to be considered for the year 2019-20

OP No. 111 of 2021  
APSPDCL

Public hearing in the matter of Petition filed under section 86(1)(b) and section 62 of Electricity Act 2003 read with regulation 8 of APERC (Conduct of Business) Regulations, 1999 for computation of Pooled cost of power Purchase for the year 2019-20 to be considered for the year 2020-21

Sri P. Shiva Rao, learned Standing Counsel for the petitioners and Sri. Vishal Gupta, learned counsel for some of the objectors and Sri. M. Venugopala Rao, Objector, are present at the web hearing.

Heard Sri P.Shiva Rao, learned counsel for the petitioners; Sri Vishal Gupta, learned counsel for some of the Objectors; and Sri M.Venugopala Rao, Objector.

Sri Vishal Gupta, learned counsel, fairly submitted that, on going through the filings of the petitioners, his clients do not find any particular defect or error in the calculation; and that the Commission may, accordingly, determine the Pooled cost of Power for the years 2017-18, 2018-19 and 2019-20.

Sri M. Venugopala Rao, learned Objector, suggested that at least for future, Regulation may be amended so as to determine the average Pooled cost in line with the present market prices.

Orders reserved.

Sd/-  
MEMBER / TRS

Sd/-  
CHAIRMAN

Sd/-  
MEMBER / PRR

OP No. 21 of 2022  
M/s.Vibrant Greentech India Pvt Ltd Vs. APSPDCL

Petition under Sections 86(1) (a), 86 (1)(b), 86 (1) (e) of the Electricity Act, 2003 read with APERC (Conduct of Business) Regulation, 1999 seeking approval of tariff of at least Rs. 3.43/- per unit for sale of wind power by the petitioner's 5.1 MW Wind Power Plant to the respondent herein for the PPA dt. 18-06-2011 for the balance tenure from 11th to 20th year of operation in terms of the order dt.01-05-2009 passed by this Commission in OP Nos. 6 and 7 of 2009.

Sri Deepak Chowdary, 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, requested time for filing counter. Accordingly, four weeks' time is granted.

The petitioner shall carryout publication of notice, 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 22-06-2022 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.

Sd/-  
MEMBER / TRS

Sd/-  
CHAIRMAN

Sd/-  
MEMBER / PRR

OP No. 3 of 2022 & IA No 1 of 2022  
New Era Enviro Venture (Mahabubnagar) Pvt. Ltd. Vs. APSPDCL

Petition under Section 86 (1) (e) & (f) of the Electricity Act, 2003 R/w. Regulation 55 of the APERC (Conduct of Business) Regulations, 1999 seeking directions to the Respondent among other things for payment of the outstanding dues and Late Payment Interest.

Petitioner also filed an application under Section 94 (1) (2) of the Electricity Act, 2003 R/w. Regulation 55 of the APERC (Conduct of Business) Regulations, 1999 seeking a direction to the Respondent to release at least 50% of the total outstanding amount.

Sri. V. Akshaya Babu, counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the Respondent are present at the web hearing.

Heard Sri V.Akshaya Babu, learned counsel for the petitioner and Sri P.Shiva Rao, learned Standing Counsel for the respondent.

Counter is filed. Sri P.Shiva Rao requested time for making his submissions in the O.P.

Admittedly, the respondent is liable to pay a sum of Rs.23,44,18,,834/- as on 30-11-2021 as per the tariff prescribed under the PPA. Sri P.Shiva Rao, learned Standing Counsel, did not dispute the fact that the issue raised in this O.P. is fully covered by the order dated 02-8-2021 of this Commission in O.P.No.64 of 2019 (Indian Oil Corporation Ltd Vs. Southern Power Distribution Company of Andhra Pradesh Limited & Transmission Corporation of Andhra Pradesh Limited).

Therefore, we do not find any justification in the action of the respondent in withholding the admitted arrears in terms of the existing PPA. Accordingly, two months' time is given to the respondent for payment of the said amount, pending determination of its liability to pay the LPS.

Call on 22-06-2022 for reporting payment.

Sd/-  
MEMBER / TRS

Sd/-  
CHAIRMAN

Sd/-  
MEMBER / PRR

OP No. 112 of 2021

M/s. Walwhan Renewable Energy Limited 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

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.

Counter is filed in the O.P. Mr. Shri Venkatesh requested for passing of an interim order. We do not find any Interlocutory Application seeking interim relief. Liberty is, however, given to the petitioner to file such an I.A.

Sd/-  
MEMBER / TRS

Sd/-  
CHAIRMAN

Sd/-  
MEMBER / PRR

O.P.No.29 of 2020

M/s. Vaayu (INDIA) Power Corporation Limited Vs. DISCOM

Public hearing in the matter of 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 Sajan Poovayya, learned senior counsel for the petitioner; Sri P. Shiva Rao, learned Standing Counsel for the DISCOM; and Sri. M. Venugopala Rao, learned Objector, are present at the web hearing.

We have heard Sri. Sajan Poovayya, learned Senior Counsel for the petitioner; Sri P.Shiva Rao, learned Standing Counsel for the respondent; and Sri M.Venugopala Rao, learned Objector.

Sri. Sajan Poovayya, addressed his further arguments. On the querying by the Commission, the learned Senior Counsel agreed to file Audited Accounts. The same shall be filed within two weeks.

Sri M. Venugopala Rao pointed out that he has submitted his written objections to the Auditor's certificate filed by the petitioner. However, we find that the same has not reached the file. Sri M. Venugopala Rao has undertaken to furnish a copy thereof to the Commission's office.

Sri P. Shiva Rao, learned Standing Counsel, submitted that one of the Officers of the respondent wanted to make oral presentation on the aspect of levelised tariff; and that, however, he is not able to do it today. He requested time to send the presentation in writing to the Commission for consideration.

Accordingly, we permit Sri P.Shiva Rao, learned Standing Counsel, to submit written presentation within one week. We also permit the petitioner's side to submit their response to the written presentation of the respondent within one week thereafter.

Orders reserved.

Sd/-  
MEMBER / TRS

Sd/-  
CHAIRMAN

Sd/-  
MEMBER / PRR

OP No. 66 of 2021 & IA No. 1 of 2021  
M/s. ZR Renewable Energy Pvt Ltd Vs. APSPDCL & APTRANSCO

Petition u/s 86 (1) (f) of the Electricity Act, 2003 for adjudication of dispute in relation to payment of tariff for electricity units generated and delivered by the petitioner from its 16 MW Wind Power Plant situated in Tadipatri Mandal, Ananthapur District, A.P., and for directions to the Respondents to issue letter of Credit as per Clause 5.4 of the PPA and for appropriate directions for related, incidental and consequential reliefs.

Application filed u/s 94 (2) of the Electricity Act, 2003 r/w Clause 55 of the (Conduct of Business) Regulations

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

Heard Sri Narendar Naik, learned counsel for the petitioner.

Sri P.Shiva Rao, learned Standing counsel, requested an adjournment for making his submissions. Call on 22-06-2022.

By the next date of hearing, Sri P.Shiva Rao shall produce the working sheets relating to the levelized tariffs in case of the petitioner.

Call on 22-6-2022.

Sd/-  
MEMBER / TRS

Sd/-  
CHAIRMAN

Sd/-  
MEMBER / PRR

OP No. 64 of 2021  
M/s. Khandke Wind Energy Pvt Ltd Vs. APSPDCL

Petition u/s 86 (1) (e) and Section 86 (1) (f) of the Electricity Act, 2003 r/w Article 10 of the Power Purchase Agreements filed on behalf of M/s. Khandke Wind Energy Pvt Ltd for immediate strict compliance by APSPDCL with the provisions of the various Power Purchase Agreements entered into between the parties and for release of amount due

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

Admittedly, the respondent is liable to pay a sum of Rs.43,85,83,309/- towards unpaid tariff bills prescribed under the PPA from July, 2018 to January, 2021. Sri P.Shiva Rao, learned Standing Counsel, did not dispute the fact that the issue raised in this O.P. is fully covered by the order dated 02-8-2021 of this Commission in O.P.No.64 of 2019 (Indian Oil Corporation Ltd Vs. Southern Power Distribution Company of Andhra Pradesh Limited & Transmission Corporation of Andhra Pradesh Limited).

Therefore, we do not find any justification in the action of the respondent in withholding the admitted arrears in terms of the existing PPA. Accordingly, two months' time is given to the respondent for payment of the said amount, pending determination of its liability to pay the LPS.

Call on 22-06-2022 for reporting payment.

Sd/-  
MEMBER / TRS

Sd/-  
CHAIRMAN

Sd/-  
MEMBER / PRR

O.P.No. 59 of 2021  
APEPDCL & 2 others Vs. GVK Industries Ltd & 3 others

Petition u/s 86 (1) (f) of the Electricity Act, 2003 r/w Clause 55 of APERC (Conduct of Business) Regulations 1999 in the matter of Buy-out of GVK Stage-I project by APDISCOMs - Execution of registered sale deed transferring the entire land together with assets of GVK Phase - I in favour of APDISCOMs- not executed by M/s GVK - Dispute between M/s. GVK and licensees - adjudication under Section 86 (1) (f) of the Electricity Act, 2003

Sr.i P. Shiva Rao, learned Standing Counsel for the petitioners, Ms. Rubaina Khatoon, learned counsel for the respondents; and Sri. M. Venugopala Rao, learned Objector, are present at the web hearing.

Learned counsel for the respondents submits that her client has no objection for allowing the petition filed by the petitioners for receiving additional documents.

Accordingly, the additional documents are taken on file.

Call on 29-6-2022 for 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 Sajan Poovayya, learned senior counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the Respondents are present at the web hearing.

Counter affidavit is filed.

Sri Sajan Poovayya, learned Senior Counsel, submitted that in similar cases this Commission has directed payment at Rs.2.43 ps per unit from the 11th year onwards, pending determination of the O.P. He requested for the passing of the same order.

Sri P.Shiva Rao, learned Standing Counsel for the respondent, fairly agreed to the said submission of the learned Senior Counsel.

Accordingly, the respondents are directed to make payment at Rs.2.43 ps., from 11th year onwards. The entire arrears accrued as on today shall be paid before the next date of hearing.

Sri Poovayya, learned Senior Counsel, has fairly submitted, on the suggestions falling from the Commission, that he would try to persuade his client to waive the LPS, if the respondent makes the payment as per the present order.

Call on 29-06-2022 along with the OP.

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.

At the request of the learned counsel for the petitioner, time for filing rejoinder is granted.

Call on 29-06-2022 for hearing.

Sd/-  
MEMBER / TRS

Sd/-  
CHAIRMAN

Sd/-  
MEMBER / PRR

O.P.No.12 of 2020 & I.A.No.3 of 2020 and IA No. 1 of 2021  
M/s. Aarohi Solar Private Ltd.& 4 others Vs APSPDCL

Petition under Section 86 (1) (f) of the Electricity Act, 2003 for adjudication of disputes arising out of the Power Purchase Agreements dated 05-12-2014 entered by them with APSPDCL and seeking directions to the APSPDCL to act in accordance with terms of the PPA in connection with charges for drawl of power by their solar power generating stations for the auxiliary consumption.

I.A. No. 3 of 2020 filed u/s 94 (2) of the Electricity Act, 2003 sought for stay on the demand notices and invoices in connection with charges for drawl of power by the generating stations for their auxiliary consumption.



IA No. 1 of 2021 - Application filed by the petitioner u/s 94 (2) of the Electricity Act, 2003 seeking appropriate direction(s) / order(s) against the respondent to not initiate any coercive or precipitative actions against the applicants, till the final disposal of the present petition

Representative of Sri. Hemant Sahai, learned senior counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the respondent are present at the web hearing.

As the learned senior counsel for the petitioner is not present, after the case was called in its due turn, the learned counsel on record requested for a passover. However, due to time constraint the case is adjourned to 22-6-2022.

Sd/-  
MEMBER / TRS

Sd/-  
CHAIRMAN

Sd/-  
MEMBER / PRR