

Record of Proceedings dated 18-08-2021

RP No. 3 of 2021 in OP No. 33 of 2019 & OP No. 35 of 2018 (PART)
APGENCO Vs.APSPDCL & APEPDCL

Petition u/s 94 of the Electricity Act, 2003 r/w Regulation 49 (1) of the APERC (Conduct of Business) Regulation 1999 seeking review of APERC order dt. 31-12-2020 in OP No. 33 of 2019 & OP No. 35 of 2018 (PART)

Counsel for the petitioner representing Sri. O. Manohar Reddy, Advocate and Sri P. Shiva Rao, learned Standing Counsel for the respondents are present at the web hearing.

Counter affidavit has been filed. At the request of the learned Counsel for the petitioner, call on 22-09-2021 for filing Rejoinder.

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. Gopala Choudary, Counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the respondents are present at the web hearing.

Counter affidavit has been filed. At the request of Sri K. Gopala Choudary, time for filing rejoinder is granted. Call on 15-09-2021.

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. Varun Ambati, 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 further time for filing counter affidavit. Accordingly, two weeks' time for filing counter and two weeks' time thereafter for filing rejoinder by the petitioner is granted'. Call on 29-09-2021.

Sd/-
MEMBER / TRS

Sd/-
CHAIRMAN

Sd/-
MEMBER / PRR

OP No. 67 of 2021
Maddimadugu Power Pvt Ltd Vs. APSPDCL

Petition u/s 86 (1) (f) of the Electricity Act, 2003 seeking non-payment of agreed tariff payable to the petitioner (Solar Power Developer), as per the Power Purchase Agreement Dt.04-12-2014 with the respondent and unilaterally paying an unviable tariff of 2.44/kwh as against the escalated tariff of Rs.6.356/kwh as on 05-12-2020

Sri. Rahul Reddy, 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 further time for filing counter affidavit. Accordingly, two weeks' time for filing counter and two weeks' time thereafter for filing rejoinder by the petitioner is granted'. Call on 29-09-2021.

Sd/-
MEMBER / TRS

Sd/-
CHAIRMAN

Sd/-
MEMBER / PRR

OP No. 40 of 2021
M/s. Compucom Software Ltd., Vs. APSPDCL

Petition under Section 86 (1) (f) of the EAct, 2003 r/w APERC (Conduct of Business) Regulations, 1999 seeking direction to the Respondent for releasing payment against the outstanding monthly invoices towards sale of wind energy along with the interest/delayed payment surcharge on such delayed payments as per Articles 2.2 and 5.2 of the petitioner's PPA dated 22-04-2010

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

None appears for the petitioner. Rejoinder is not filed. Call on 29-09-2021.

Sd/-

Sd/-

Sd/-

MEMBER / TRS

CHAIRMAN

MEMBER / PRR

OP No. 43 of 2021

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

OP No. 44 of 2021

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

OP No. 45 of 2021

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

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

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

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 & APSPDC.

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

Further time for filing rejoinder is prayed for. Sri P. Shiva Rao submitted that in this batch of cases, the respondents would positively pay the admitted dues either today or latest by tomorrow. Call on 27-10-2021 for rejoinder and reporting compliance of the undertaking to pay the admitted dues.

Sd/-
MEMBER / TRS

Sd/-
CHAIRMAN

Sd/-
MEMBER / PRR

O.P.No.29 of 2020

M/s. Vaayu (INDIA) Power Corporation Limited

Petition under the Sections 86(1)(a), 86(1)(b) and 86(1)(e) of the Electricity Act, 2003, 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

O.P.No. 49 of 2020

M/s. Vish Wind Infrastructure LLP

Petition under the Sections 86(1)(a), 86(1)(b) and 86(1)(e) of the Electricity Act, 2003, 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 Vishal Gupta, learned counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the APDISCOMs are present at the web hearing.

Pleadings are complete. Public Notice is required to be issued under Section 64(2) of the Electricity Act 2003 calling for suggestions / objections from the public. For fixing the mode of publication, all on 01-09-2021.

Sd/-
MEMBER / TRS

Sd/-
CHAIRMAN

Sd/-
MEMBER / PRR

IA No. 1 of 2021 in OP No. 21 of 2019
M/s. RCI Power Limited Vs. APSPCL

Application under Section 142 of the EAct, 2003 read with Regulation 55 of the APERC (Conduct of Business) Regulations, 1999 as amended on behalf of petitioner seeking appropriate order against the respondent for Non-compliance of the order dated 11-09-2019 passed by this Hon'ble Commission in OP.No. 21 of 2019

IA No. 1 of 2021 in OP No. 28 of 2019
M/s. Bharat Wind Farm Limited Vs. APSPDCL

Application under Section 142 of the EAct, 2003 read with Regulation 55 of the APERC (CONduct of Business) Regulations, 1999 as amended on behalf of petitioner seeking appropriate order against the respondent for Non-compliance of the order dated 11-09-2019 passed by this Hon'ble Commission in OP.No. 28 of 2019

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

On the last occasion, the case was adjourned on the representation of the respondent that appeals have been preferred against the order in respect of which these I.As. are filed, before the Hon'ble APTEL and that the same were expected to be heard early. While adjourning the cases, it was made clear that no further adjournment will be granted on the ground of pendency of Appeals before the Hon'ble APTEL. Accordingly, sufficient time was granted to the respondent to pursue the Appeals by adjourning the case for nearly six weeks. Even today, when the case is called, Sri P. Shiva Rao submitted that neither they could secure orders from the Hon'ble APTEL nor the order of this Commission has been complied with. The present I.As. have been filed for enforcement of the order passed as far back as 11-09-2019. It is most unfortunate that neither the respondent complied with the order nor secured appropriate orders from the appellate authority. The Commission is not able to appreciate the indifference

being exhibited by the respondent in complying with the order passed by this Commission. Therefore, if the order is not complied with by the next date of hearing, the CMD of the respondent shall appear personally before the Commission to explain his conduct in violation of the order of this Commission. Call on 15-09-2021.

Sd/-
MEMBER / TRS

Sd/-
CHAIRMAN

Sd/-
MEMBER / PRR

OP No. 80 of 2021 & IA No. 1 of 2021
M/s. Aquawave Biotech Pvt Ltd Vs. APSPDCL & 3 others

Petition under Sections 129, 142 & 143 of the Electricity Act, 2003 against the impugned Memo No. SE/O/GNT/SAO/JAO/HT/A1/D.No.790/21 dt.10-06-2021 and as well as the notice vide Lr. No. SE/O/GNT/SAO/JAO/HT/A1/D.No.612/21 dt.30-04-2021 issued by the Superintending Engineer (Operation Circle), APCPDCL, Guntur, AP.

IA No. 1 of 2021 - Stay Petition filed u/s 94 of Electricity Act, r/w Section 151 of CPC.

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

O.P. is dismissed (vide separate order).

Sd/-
MEMBER / TRS

Sd/-
CHAIRMAN

Sd/-
MEMBER / PRR