

## **Record of Proceedings Dated 19-04-2023**

### **OP No. 2 of 2023 & IA No.3 of 2023**

**M/s. Rain CII Carbon (Vizag) Limited Vs. APEPDCL**

### **OP No. 2 of 2023**

(Petition filed under Section 86(1)(f) of the Electricity Act, 2003 r/w APERC (Conduct of Business) Regulations, 1999 to declare the action of the Respondent i.e., APEPDCL in levying Grid Support Charges on the Petitioner (a non-Captive Generation Power Plant) as illegal, arbitrary and against the Laws in force, and, consequently, direct that the Petitioner is not liable to pay Grid Support Charges for the Financial Year 2002-03 to the Financial Year 2008-09 as demanded by APEPDCL).

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### **IA No.3 of 2023:**

Petition filed under Section 94(2) of the Electricity Act, 2003 seeking to modification of the order dated 15-2-2023 passed in OP No. 2 of 2023 by substituting the words Rs.96,75,405/- and Rs.1,21,19,821/- with Rs.96,75,405/- or Rs.1,21,19,821/- ad pass such other orders as this Commision may deems fit and proper in the circumstances of the case.

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### **OP No. 2 of 2023:**

Sri C.V.Mohan Reddy, learned Senior Counsel, assisted by Sri S.Vivek Chandra Sekhar, learned counsel for the petitioner, and Sri G.V.Brahmananda Rao, counsel representing Sri P.Shiva Rao, learned standing counsel for the respondents, are present at the hearing.

Counter is filed. Learned counsel for the petitioner requested time for filing a reply.

**Call on 21-6-2023.**

### **IA No.3 of 2023**

### **(On being mentioned)**

This is an application filed by the petitioner under Section 94(2) of the Electricity Act, 2003 seeking modification of the order dated 15-2-2023 passed in OP No.2 of 2023 by substituting the figures “Rs.96,75,405/- **and** Rs.1,21,19,821/-” with “Rs.96,75,405/- **or** Rs.1,21,19,821/-”.

Sri C.V.Mohan Reddy, learned Senior counsel for the petitioner, submitted that this commission, while granting interim protection to the petitioner on 15-2-2023, was pleased to direct the petitioner to deposit the amount referred to by the petitioner in the letter dated 17-1-2023, but, due to inadvertence or oversight the impugned order reads that “... subject to the petitioner paying to the respondent the sums of Rs.96,76,405/- **and** Rs.1,21,19,821/-” instead of directing the petitioner to pay

“Rs.96,76,405/- **or** Rs.1,21,19,821/-”; that pursuant to the said interim order the petitioner deposited an amount of Rs.94,81,896/- after deducting the TDS from out of Rs.96,76,405/- on 10-3-2023; and that, therefore, seeks modification of the interim order.

On a careful reading of the the letter dated 17-1-2023 it is clear that under Scenario-2, referred to in the said said letter, the petitioner has stated that if Gross Generation is considered, the Grid Support Charges payable will be Rs.96,75,405/- if calculated on KW Capacity and Rs.1,21,19,821/- if calculated in KVA capacity. However, inadvertently, the order of the Commission read that the petitioner shall pay both the amounts. The petitioner has stated that as the liability will arise either in KW Capacity or in KVA Capacity, the petitioner is liable to pay only the amount calculated at either of the two Capacities and not on both the capacities.

Sri G.V.Brahmananda Rao, counsel representing Sri P.Shiva Rao, learned standing counsel for the respondents, has not disputed this submission.

In the light of the above, Order dated 15-2-2023 passed in OP No.2 of 2023 is modified directing the petitioner to pay Rs.1,21,19,821/- (Rupees one crore, twenty one lakhs, nineteen thousand, eight hundred and twenty one only). As the petitioner is stated to have paid Rs.96,75,405/- (Rupees ninety six lakhs, seventy five thousand, four hundred and five only), it is directed to pay the differential amount, so that the total amount payable shall be Rs.1,21,19,821/- (Rupees one crore, twenty one lakhs, nineteen thousand, eight hundred and twenty one only), within two weeks from today. It is needless to observe that payment of the above sum shall be subject to the result of the OP.

Accordingly, IA No.3 of 2023 is allowed and the order dated 15-2-2023 passed in OP No.2 of 2023 shall stand modified.

Sd/-  
MEMBER/TRS

Sd/-  
MEMBER/PRR

**OP No. 18 of 2022**

**M/s.Vayu Urja Bharat Pvt Ltd., Vs. APSPDCL**

(Petition filed under Section 86(1)(f) read with Section 86(1)(e) of the Electricity Act, 2003 read with Article 10 of the Power Purchase Agreement dated 28-07-2016 *inter alia* seeking a direction to the Respondent to release payment against the outstanding invoices towards sale of wind energy since November 2020 along with the interest/delayed payment surcharge on such delayed payments as per the PPA.

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Ms. Priya Dhankhar, counsel representing Sri Aniket Prasoon, learned counsel for the Petitioner, and Sri G.V.Brahmananda Rao, counsel representing Sri P.Shiva Rao, learned standing counsel for the respondents, are present at the hearing.

Ms.Priya Dhanhar, learned counsel for the petitioner, submitted that the affidavit filed by the respondent on 14-2-2023 does not contains the full details of the monthly wise invoice payments and the amounts withheld by the respondent from the energy bills of the petitioner; and that the respondent may be directed to submit those details to the petitioner, to know whether those deductions or proper or not.

Sri G.V.Brahmananda Rao, counsel representing Sri P.Shiva Rao, learned standing counsel for the respondents, undertakes to file those details by the next date of hearing.

**Call on 21-6-2023.**

Sd/-  
MEMBER/TRS

Sd/-  
MEMBER/PRR

**OP No. 113 of 2021**

**M/s 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

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Ms. Priya Dhankhar, counsel representing Sri Aniket Prasoon, learned counsel for the Petitioner, and Sri G.V.Brahmananda Rao, counsel representing Sri P.Shiva Rao, learned standing counsel for the respondents, are present at the hearing.

Ms.Priya Dhanhar, learned counsel for the petitioner, submitted that the affidavit filed by the respondent on 17-4-2023 does not contains the full details of the

monthly wise invoice payments and the amounts withheld by the respondent from the energy bills of the petitioner; and that the respondent may be directed to those details to the petitioner, to know whether those deductions or proper or not.

Sri G.V.Brahmananda Rao, counsel representing Sri P.Shiva Rao, learned standing counsel for the respondents, undertakes to file those details by the next date of hearing.

**Call on 21-6-2023.**

Sd/-  
MEMBER/TRS

Sd/-  
MEMBER/PRR

**OP No. 3 of 2022**

**M/s New Era Enviro Venture (Mahabubnagar) Pvt. Ltd., VS. APSPDCL**

**OP No. 4 of 2022**

**M/s Aeolus Wind Parks Pvt. Ltd. Vs. APSPDCL & APPCC**

**OP No. 5 of 2022**

**M/s Danu Wind Parks Private Limited Vs. APSPDCL & APPCC**

**OP No. 6 of 2022**

**M/s Danu Wind Parks Private Limited Vs. APSPDCL & APPCC**

**OP No. 7 of 2022**

**M/s Dindore Wind Parks Private Limited Vs. APSPDCL & APPCC**

**OP No. 8 of 2022**

**M/s Fujin Wind Parks Private Limited Vs. APSPDCL & APPCC**

**OP No. 12 of 2022**

**M/s Palnadu Solar Power Pvt Ltd., Vs. APCPDCL & APPCC**

**OP No. 22 of 2022**

**M/s. Vayu Urja Bharat Pvt Ltd., Vs. APSPDCL**

**OP No. 64 of 2021**

**M/s. Khandke Wind Energy Pvt Ltd Vs. APSPDCL**

**OP No. 89 of 2021**

**M/s. Mytrah Vayu (Pennar) Private Limited**

**OP No. 30 of 2020**

**M/s. Tadas Wind Energy Pvt. Ltd Vs. APSPDCL**

(Petitions filed 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 Respondents among other things for payment of the outstanding dues and Late Payment Interest.)

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**IA No. 1 of 2023** : filed by APDISCOMs under clause 55 of A.P.Electricity Regulatory Commission Conduct of Business Regulations for Adjournment of Hearings.

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**IA No. 1 of 2023**

Ms. Priya Dhankhar, counsel appearing for Sri Aniket Prasoon, learned counsel for the petitioner in OP No. 22 of 2022; Sri S.Vivek Chandrasekhar, learned

counsel for the Petitioners in OP No.4,5,6,7 & 8 of 2022; Ms.Sravani, Advocate appearing for Sri Deepak Chowdary, learned counsel for the Petitioners in OP Nos.12 of 2022 and 89 of 2021; Sri Raghavendra Sudheer, General Manager(Legal), representing Sri Dipan Bhuptani and Sri V.Akshaya Babu, learned counsel for the Petitioners in OP Nos.64 of 2021, 3 of 2022 and 30 of 2020; and Sri G.V.Brahmananda Rao, counsel representing Sri P.Shiva Rao, learned standing counsel for the respondents, are present at the hearing.

This interlocutory application is filed by the DISCOMs seeking adjournment of these matters to any date after four weeks, *inter alia*, stating that the process of negotiations regarding payment of the LPS is on and there is every likelihood of reaching a consensus between the parties.

The learned counsel for the petitioners submitted that some of the petitioners have received letters from the DISCOMs for negotiations and that they have no objection for adjournment of these matters.

Hence, all these matters are adjourned to **21-6-2023** for reporting the outcome of the negotiations arrived at between the parties.

Sd/-  
MEMBER/TRS

Sd/-  
MEMBER/PRR

**OP No. 12 of 2020 & IA No. 3 of 2020 IA No. 1 of 2021**  
**M/s. Aarohi Solar Pvt. 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 auxiliary consumption).

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Ms. Priya Dhankhar, counsel appearing for Sri Aniket Prasoon, learned counsel for the petitioner and Sri G.V.Brahmananda Rao, counsel representing Sri P.Shiva Rao, learned standing counsel for the respondents, are present at the hearing.

At the request of both the parties, **call on 21-6-2023.**

Sd/-  
MEMBER/TRS

Sd/-  
MEMBER/PRR