

**Record of Proceedings dated 20-04-2022**

OP No. 119 of 2021 & IA Nos. 1 & 2 of 2021  
M/s Ostro Andhra Wind Private Limited Vs. APSLDC & Others

Petition under Section 33(4) and Section 39 of the Electricity Act, 2003 read with Section 86(1) (e) and Section 86(1) (f) seeking appropriate direction (s) / Order(s) from this Hon'ble Commission against the statutory authorities namely, APSLDC and the Transmission Corporation of Andhra Pradesh Limited, to address and adjudicate the dispute arising due to non-performance of statutory obligations by the said entities which has severely prejudiced the rights and interest of the Petitioner.

IA No.1 of 2021 - Interlocutory Application seeking Urgent Listing of the Petition under Section 94 (2) of the Electricity Act, 2003 read with applicable regulations issued by this Hon'ble Commission.

IA No. 2 of 2021 - Interlocutory Application seeking Urgent and Interim Directions under Section 94(2) of the Electricity Act, 2003 read with applicable regulations issued by the Hon'ble Commission.

OP No. 120 of 2021 & IA Nos. 1 & 2 of 2021  
M/s Ostro AP Wind Private Limited Vs. APSLDC & Others

Petition under Section 33(4) and Section 39 of the Electricity Act, 2003 read with Section 86(1) (e) and Section 86(1) (f) seeking appropriate direction (s) / Order(s) from this Hon'ble Commission against the statutory authorities namely, APSLDC and the Transmission Corporation of Andhra Pradesh Limited, to address and adjudicate the dispute arising due to non-performance of statutory obligations by the said entities which has severely prejudiced the rights and interest of the Petitioner.

IA No. 1 of 2021 - Interlocutory Application seeking Urgent Listing of the Petition under Section 94 (2) of the Electricity Act, 2003 read with applicable regulations issued by this Hon'ble Commission.

IA No. 2 of 2021 - Interlocutory Application seeking Urgent and Interim Directions under Section 94(2) of the Electricity Act, 2003 read with applicable regulations issued by the Hon'ble Commission.

OP No. 121 of 2021 & IA Nos. 1 & 2 of 2021  
M/s Helios Infratech (P) Ltd. Vs. APSLDC & Others

Petition under Section 33(4) and Section 39 of the Electricity Act, 2003 read with Section 86(1) (e) and Section 86(1) (f) seeking appropriate direction (s) / Order(s) from this Hon'ble Commission against the statutory authorities namely, APSLDC and the Transmission Corporation of Andhra Pradesh Limited, to address and adjudicate

the dispute arising due to non-performance of statutory obligations by the said entities which has severely prejudiced the rights and interest of the Petitioner.

IA No. 1 of 2021 - Interlocutory Application seeking Urgent Listing of the Petition under Section 94 (2) of the Electricity Act, 2003 read with applicable regulations issued by this Hon'ble Commission.

IA No.2 of 2021 - Interlocutory Application seeking Urgent and Interim Directions under Section 94(2) of the Electricity Act, 2003 read with applicable regulations issued by the Hon'ble Commission.

Sri D. Prakash Reddy, Senior Counsel for the petitioners, and Sri P. Shiva Rao, learned Standing Counsel for the Respondents, are present at the web hearing.

**(Interim order passed, vide separate common order).**

Call on 12-10-2022 for reporting on the progress of the construction of the Pampanur-Thanda Sub-station.

Sd/-  
MEMBER / TRS

Sd/-  
CHAIRMAN

Sd/-  
MEMBER / PRR

RP No. 2 of 2021 in OP No. 46 of 2017  
APGENCO Vs. APSPDCL, APEPDCL & AP Solar Power Corporation Ltd (APSPCL)

Petition u/s 94 (1) (f) of the Electricity Act 2003 r/w Regulation 49 (1) of the APERC (Conduct of Business), Regulation 1999 for review of the Commission's order dt.22-10-2020 in OP No. 46 of 2017

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

As the Commission is proposing to hold physical hearings from the month of June, 2022, we are inclined to adjourn the cases to 06-7-2022 for hearing.

Sd/-  
MEMBER / TRS

Sd/-  
CHAIRMAN

Sd/-  
MEMBER / PRR

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)

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

As the Commission is proposing to hold physical hearings from the month of  
June, 2022, we are inclined to adjourn the cases to 06-7-2022 for hearing.

Sd/-  
MEMBER / TRS

Sd/-  
CHAIRMAN

Sd/-  
MEMBER / PRR

O.P.No. 31 of 2020  
APPDCL Vs APSPDCL & APEPDCL

Petition u/s 86 (1) (f) r/w Section 62 for resolving the issues in the matter of  
operational parameters and variable cost for sub-critical and super-critical operation  
for procurement of power from 2 x 800 MW Sri Damodaram Sanjeevaiah Thermal  
Power Station (SDSTPS)

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

**OP is disposed of (Vide separate order).**

Sd/-  
MEMBER / TRS

Sd/-  
CHAIRMAN

Sd/-  
MEMBER / PRR

OP No. 38 of 2021 & IA No. 1 of 2021  
M/s Rayala Wind Power Company Private Limited & Ors. Vs. APSPDCL &  
APEPDCL

Petition seeking indulgence of this Hon'ble Commission and invoking its Regulatory  
Jurisdiction under Section 86(1)(e) read with Section 86 (1)(f) of the Electricity Act  
2003

IA No. 1 of 2021 - Application seeking interim directions under Regulation 55 of APERC (Conduct of Business) Regulations, 1999 r/w Section 151 of the Code of Civil Procedure, 1908

Mr. Shri Venkatesh, learned Counsel for the petitioner; Sri P. Shiva Rao, learned Standing Counsel for the respondents, are present at the web hearing.

. Sri. H. Haranatha Rao, CMD of APSPDCL (respondent No.1) is personally present. He has also submitted an affidavit, wherein he has stated that due to precarious financial position of the respondents, the Commission's order dated 23-2-2022 could not be complied with. He requested to permit the 1st respondent to pay the amount of Rs.75.00 crores in six monthly instalments commencing from 15th June, 2022.

Mr. Shri Venkatesh, learned counsel for the petitioner, submits that his client is also in an equally precarious position, financially, if not more than the respondents. He further submits that his client has no objection if some indulgence is shown; and that the request of respondent No.1 to allow payment in six monthly instalments is highly unreasonable and the same will cause further financial distress to the petitioner-company.

Having regard to the respective pleas of the parties and keeping in view the precarious financial position of respondent No.1, and at the same time, the need for the petitioner to recover the admitted dues, we modify the previous order dated 23-2-2022 by permitting respondent No.1 to pay the sum of Rs.75.00 crores in two monthly instalments. The first instalment of Rs.40.00 crores shall be paid on or before 30-4-2022; and the balance amount of Rs.35.00 crores shall be paid on or before 31-5-2022. In the event of failure to comply with either of the two conditions, the Chairman and Managing Director of respondent No.1 shall be personally present on the next date of hearing.

Call on 14-06-2022.

Sd/-  
MEMBER / TRS

Sd/-  
CHAIRMAN

Sd/-  
MEMBER / PRR

O.P.Nos.60 & 61 of 2017  
(Remanded from Hon'ble APTEL)

M/s. Abhijeet Ferrotech Ltd Vs. APEPDCL & APSPDCL

Judgement of the Hon'ble Appellate Tribunal for Electricity passed in Appeal No. 248 of 2018 dt. 18-02-2022, directing the Commission to pass fresh order in terms of the directions, expeditiously, not later than three months from the date of this judgement.

Sri. Deepak Choudary, Advocate representing Sri. Challa Gunaraanjan, learned Counsel for the petitioner; and Sri P. Shiva Rao, learned Standing Counsel for the respondents are present at the web hearing.

As the exercise to be undertaken as per the direction of the Honourable APTEL results in refixing of the tariff, we direct that the petitioners takes out publication of the O.Ps. in terms of Section 64(2) of the Electricity Act, 2003 in two news papers - one in English and the other in vernacular language (Telugu) - having wide circulation in the state of Andhra Pradesh, within two weeks. He has undertaken to file proof of publications before the next date of hearing.

Call on 14-06-2022.

Sd/-  
MEMBER / TRS

Sd/-  
CHAIRMAN

Sd/-  
MEMBER / PRR