

**Record of Proceedings dated 22-06-2022**

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

Public hearing in the matter of 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.

Counsel for the petitioner is not present.

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

Proof of publication is not filed. Hence, the O.P., is adjourned.

Call on 10-08-2022.

Sd/-  
MEMBER / TRS

Sd/-  
CHAIRMAN

Sd/-  
MEMBER / PRR

O.P.No. 40 of 2020

Victory Power Systems Pvt Ltd Vs. APSPDCL

Public hearing in the matter of Petition u/s 86 (1) (f) r/w Sections 86 (1) (b) and 86 (1) (e) of the Electricity Act, 2003 for adjudication of the dispute relating to the purchase of mini hydel power by APSPDCL from Victory Power Systems Pvt Ltd in terms of the PPA dt.16-02-2019 and for approval thereof.

Sri. K. Gopal Choudary, learned counsel for the petitioner; Sri P. Shiva Rao, learned Standing Counsel for the Respondent; and Sri M.Venugopala Rao, learned Objector, are present at the web hearing.

Proof of publication is filed. Sri Venugopala Rao, learned Objector, filed his objections. Office shall immediately upload the same on the Commission's website.

Sri Gopal Choudary, learned counsel for the petitioner, requested time for filing reply to the objections. Time is, accordingly, granted upto 15-7-2022.

Call the OP for hearing on 10-8-2022.

RP No. 3 of 2020 in Lr.No.APERC/JD(PPP)/DD(P&PP)/F.No.E-938/D.No.451/ 18,  
Dt:30.05.2018

APSPDCL & APEPDCL Vs. Khandaleru Power Company Ltd  
Victory Power Systems Pvt Ltd  
Raji Power Pvt Ltd

Public hearing in the matter of Review Petition under Section 94(1)(f) of Electricity Act 2003 , Regulation 49 & 59 of APERC (Conduct of Business) Regulations, 1999 seeking review of the directions of this Hon'ble Commission vide Lr.No.APERC/JD(PPP)/DD(P&PP)/F.No.E-938/D.No.451/ 18, Dt:30.05.2018 in principle approval accorded for procurement of power from Mini Hydel Projects

Sri P. Shiva Rao, learned Standing Counsel for the petitioners; Sri. K. Gopal Choudary, learned Counsel for the Respondents; and Sri M. Venugopala Rao, learned Objector, are present at the web hearing.

Call along with OP No.40 of 2020 on 10-08-2022.

Sd/-  
MEMBER / TRS

Sd/-  
CHAIRMAN

Sd/-  
MEMBER / PRR

OP No. 39 of 2022  
M/s. Danu Wind Parks Pvt. Ltd Vs. (i) CMD / APSPDCL (ii) APPCC  
(iii) CGM/P&MM&IPC/ APSPDCL (iv) Chairman / APPCC/ APTRANSCO

Petition filed u/s 86(1)(f) and (e) of the Act, Regulation 8 of the APERC (Conduct of Business) Regulations, 1999, as amended, read with Article 5 of the PPA dated 17-07-2017 entered into between the petitioner and APSPDCL, seeking directions to APSPDCL for expeditiously releasing the payments of the amounts due and payable to the petitioner by APSPDCL under the PPA

Ms. Iswarya Moguluru, 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, learned Standing Counsel for the Respondents, requested time for filing counter.

Call on 10-08-2022.

Sd/-  
MEMBER / TRS

Sd/-  
CHAIRMAN

Sd/-  
MEMBER / PRR

IA No. 1 of 2022 in OP No. 20 of 2020  
M/s. Chaitanya Projects Vs. (i) CMD / APSPDCL  
(ii) CGM/P&MM&IPC/ APSPDCL  
(iii) Chairman / APPCC/ APTRANSCO

IA filed in OP No. 20 of 2020 under section 142 of Electricity Act, 2003 r/w clause 55 of the APERC (Conduct of Business) Regulations, 1999 for punishment to APSPDCL for non-compliance of direction to pay compensation awarded in order dated 05-07-2021 passed by the Hon'ble Commission

Sri.Mohammed Mukharuddin, 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, learned Standing Counsel for the Respondents, submitted that the respondents have filed an appeal against the order, with reference to which the present application is filed, before the Honourable APTEL and that, so far, they could not procure any interim order. He requested a reasonable time to enable the respondents to secure an interim order and, failing which, to pay the amount as directed by this Commission.

By the next date of hearing, the respondents shall report payment, if they fail to get an interim order.

Call on 10-08-2022.

Sd/-  
MEMBER / TRS

Sd/-  
CHAIRMAN

Sd/-  
MEMBER / PRR

Revision Petition No. 1 of 2022  
Sri. Mahaveer Kumar & 3 Others Vs. District Collector, Guntur Collectorate & four Others  
Revision Petition under Rule 13(2) of the Andhra Pradesh Works of Licensee Rules 2007.

Sri. Praveen Muthyala, learned counsel for the petitioner; and Sri P. Shiva Rao, learned Standing Counsel for Respondents 3 & 4, are present at the web hearing.

Counter affidavit is filed. The learned counsel for the petitioner requested time for filing rejoinder.

Call on 10-08-2022.

Sd/-  
MEMBER / TRS

Sd/-  
CHAIRMAN

Sd/-  
MEMBER / PRR

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 Pvt Ltd Vs. APSPDCL & APPCC

OP No. 6 of 2022  
M/s. Danu Wind Parks Pvt Ltd Vs. APSPDCL & APPCC

OP No. 7 of 2022  
M/s. Dindore Wind Parks Pvt Ltd Vs. APSPDCL & APPCC

OP No. 8 of 2022.  
M/s. Fujin Wind Parks Pvt Ltd Vs. APSPDCL & APPCC

Petition under Sections 86(1 )(f) and (e) of the Act, Regulation 8 of the Andhra Pradesh Electricity Regulatory Commission (Conduct of Business) Regulations, 1999 seeking directions to APSPDCL for payment of outstanding amounts and Late Payment Surcharges.

Ms. Iswarya Moguluru, learned counsel representing Sri Vivek Chandra Sekhar, learned counsel for the petitioners; and Sri P. Shiva Rao, learned Standing Counsel for the Respondents, are present at the web hearing.

Learned counsel for the petitioner requested time for filing submissions on behalf of the petitioners in this batch of cases.

Sri P.Shiva Rao, learned Standing Counsel for the respondents, submitted that, in the meantime, his clients will come out with the schedule of payment of principal amounts, while submissions on the liability to pay LPS by the respondents will be made by the learned Advocate General on the next date of hearing.

Call on 10-08-2022 for hearing.

Sd/-  
MEMBER / TRS

Sd/-  
CHAIRMAN

Sd/-  
MEMBER / PRR

OP No. 3 of 2022 & IA Nos 1 & 2 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.

IA No. 1 of 2022 - 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.

IA No. 2 of 2022 - Petitioner filed an application under Regulation 55 & 56 of the APERC (Conduct of Business) Regulations 1999 seeking amendment of pleadings in OP No. 3 of 2022

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

**I.A.No.2 of 2022:**

This application is filed for amendment of the prayer by substituting the words “Rs.31,61,73,127/- (Rupees thirty one crores, sixty one lakhs, seventy three thousand, one hundred and twenty seven only)” for “Rs.31,61,26,83,59,322/- (Rupees Twenty Six Crores, eighty three lakhs, fifty nine thousand, three hundred twenty-two only)”. As admittedly this is a typographical mistake, Sri P. Shiva Rao, learned Standing Counsel for the respondent, has not opposed this application.

Accordingly, this application is allowed as prayed for.

**OP No.3 of 2022:**

Sri Rch. Srinivasa Rao, General Manager, Accounts/APCPDCL, filed an affidavit seeking extension of time by 4.½ months for compliance of the order dated 16-3-2022 passed by this Commission.

It is stated in the affidavit that due to unexpected demand of power and on account of shortage of coal to the Thermal Projects across the country, and in order to discharge the 24x7 power supply obligation by the DISCOMS, the respondents were compelled to procure the power at higher cost and all their revenues accrued in those months have gone for procurement of power; as a result of which, the DISCOMS could not pay the amount of Rs.23,44,18,834/-, as directed by this Commission.

In our opinion, the respondents cannot be allowed to come out with lame excuses. The aforementioned liability, in respect of which the Commission has given a direction on 16-3-2022 to pay within 2 months, is an admitted liability. In the guise of their financial problems, the respondents cannot be allowed to put the developers into a financial crisis. As the Commission is not convinced with the bona fides of the respondents, the request for extension of time for compliance of the order dated 16-3-2022 is rejected.

The petitioner is entitled to avail consequential remedies as per law.

Counter affidavit is filed.

Sri Akshayababu, learned counsel for the petitioner requested time for reply.

Call on 10-8-2022.

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

Ms. Nameeta Singh, learned counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the Respondent, are present at the web hearing.

Sri Rch. Srinivasa Rao, General Manager, Accounts/APCPDCL, filed an affidavit seeking extension of time by 4.½ months for compliance of the order dated 16-3-2022 passed by this Commission.

It is stated in the affidavit that due to unexpected demand of power and on account of shortage of coal to the Thermal Projects across the country and in order to discharge the 24x7 power supply obligation by the DISCOMS, the respondents were compelled to procure the power at higher cost and all their revenues accrued in those months have gone for procurement of power; as a result of which, the DISCOMS could not pay the amount of Rs.32,79,51,992/-, as directed by this Commission.

In our opinion, the respondents cannot be allowed to come out with lame excuses. The aforementioned liability, in respect of which the Commission has given a direction on 16-3-2022 to pay within 2 months, is an admitted liability. In the guise of their financial problems, the respondents cannot be allowed to put the developers into a financial crisis. As the Commission is not convinced with the *bona fides* of the respondents, the request for extension of time for compliance of the order dated 16-3-2022 is rejected.

The petitioner is entitled to avail consequential remedies as per law.

Call on 10-8-2022.

Sd/-  
MEMBER / TRS

Sd/-  
CHAIRMAN

Sd/-  
MEMBER / PRR

OP No. 18 of 2022  
Vayu Urja Bharat Pvt Ltd Vs. APSPDCL

Petition 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 direction to the Respondent for forthwith releasing payment against the outstanding invoices towards sale of wind energy since November 2020 till November 2021 along with the interest / delayed payment surcharge on such delayed payments as per the PPA.

Sri. P. Sri Raghuram, learned Senior Counsel & Sri Aniket Prasoon, learned counsel for the petitioner; and Sri P. Shiva Rao, learned Standing Counsel for the Respondent, are present at the web hearing.

By order dated 06-4-2022 this Commission has granted two months time for making payment of Rs.35.00 crores (Rupees thirty five crores).

Sri Rch. Srinivasa Rao, General Manager, Accounts/APCPDCL, filed an affidavit seeking extension of time by two months for compliance of the order dated 06-4-2022 passed by this Commission.

In the affidavit it is stated that the DISCOMS would make all efforts to pay the aforesaid amount by 15-7-2022. Sri P. Sri Raghu Ram, learned Senior Counsel, and Sri Aniket Prasoon, learned counsel for the petitioner assisting him, submitted that the case may be adjourned to the date subsequent to 15-7-2022 to test the *bona fides* of the respondent.

Call on 27-07-2022 for reporting payment as undertaken in the affidavit.

Sd/-  
MEMBER / TRS

Sd/-  
CHAIRMAN

Sd/-  
MEMBER / PRR

IA No.42 of 2020 & IA No. 3 of 2021 in O.P.No. 18 of 2020;

M/s. Khandaleru Power Company Ltd Vs. 1) CMD/APSPDCL

- 2) CE/IPC, PP&S/ APSPDCL
- 3) GM/OPC/PP&S/APPCC
- 4) SE/Opt Circle/ APSPDCL,Nellore

Petition under Section 86 (1) (f) of the Electricity Act, 2003 r/w APERC (Conduct of Business) Regulation, 1999, seeking adoption of tariff discovered through competitive bidding for procurement of 6 MW capacity power from the petitioner's Mini Hydel Project at Khandaleru Reservoir, Khandaleru, Nellore District in terms of the PPA dated 16-02-2019

IA No. 42 of 2020 - Application filed by the petitioner u/s 142 of the EA, 2003 r/w Regulations 55 of the APERC (Conduct of Business) Regulation, 1999 for violating and dis-obeying the orders passed by the Commission dt.17-03-2020 and 26-08-2020 in IA No. 4 of 2020 in OP No. 18 of 2020

IA No. 3 of 2021 - Application filed by the petitioner under Regulation 16 r/w Regulation 55 of the APERC (Conduct of Business) Regulation 1999 to permit the petitioner to withdraw the prayers in OP No. 18 of 2020

Sri Deepak Chowdary, learned counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the Respondents, are present at the web hearing.

Additional counter is filed. Sri P. Shiva Rao, learned Standing Counsel for the Respondents, submitted that, as undertaken by him, the condition imposed for giving open access to the petitioner has been withdrawn and open access has been given. Sri Deepak Chowdary, learned counsel for the petitioner, admitted this position.

The only question remaining in this O.P., is - whether the petitioner is entitled to payment for the power supplied to the respondents, and, if so, to what extent, needs to be decided in the O.P. itself.

As the pleadings are complete, call the O.P., for hearing on 17-8-2022.

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

Working sheets have been filed by the respondents. Sri P. Shiva Rao, learned Standing Counsel for the Respondents, requested time for making his submissions.

Call on 10-08-2022 for further hearing.

Sd/-  
MEMBER / TRS

Sd/-  
CHAIRMAN

Sd/-  
MEMBER / PRR

OP No. 85 of 2021  
M/s. Beta Wind farm Pvt Ltd Vs. APSPDCL

Petition u/s 86 (1) (f), 86 (1) (b) and other applicable provisions of the Electricity Act, 2003 seeking adjudication of disputes in relation to the short payment of tariff by the respondent - licensee

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

Learned counsel for the petitioner submitted that he may be permitted to file written submissions before the next date of hearing. He is, accordingly, permitted to do so on or before 15-7-2022.

Call on 10-08-2022 along with O.P.No.66 of 2021 for hearing.

Sd/-  
MEMBER / TRS

Sd/-  
CHAIRMAN

Sd/-  
MEMBER / PRR

O.P. No.12 of 2020  
&  
IA No. 3 of 2020 & 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

Ms. Shubham Mudgil, learned counsel for the petitioner and Sri P. Shiva Rao, learned Standing counsel for the Respondent are present at the web hearing.

Ms. Shubham Mudgil, learned counsel, submitted that she was recently engaged as a counsel in this case and requested time for entering appearance and making her submissions.

Call on 17-08 -2022 for hearing.

Sd/-  
MEMBER / TRS

Sd/-  
CHAIRMAN

Sd/-  
MEMBER / PRR