

Record of Proceedings dated 23-02-2022

OP No. 12 of 2022

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

Petition under Section 86(I)(f) r/w. Section 86(I)(e) of the Electricity Act, 2003, Regulation 8 of the Andhra Pradesh Electricity Regulatory Commission (Conduct of Business) Regulations, 1999 seeking direction to the Respondents for releasing payment of the outstanding amounts along with interest on delayed payment of invoices towards sale of Solar Power as per the PPA.

Sri. Deepak Chowdary, representing Sri. Challa Gunaranjan, 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. Four (4) weeks time is granted. Call on 06-04-2022.

Sd/-
MEMBER / TRS

Sd/-
CHAIRMAN

Sd/-
MEMBER / PRR

Revision Petition No. 1 of 2022

Sri. Mahaveer Kumar & 3 Others Vs. District Collector, Guntur Collectorate & 4 Others

Revision Petition under Rule 13(2) of the Andhra Pradesh Works of Licensee Rules 2007.

Sri. Murali Krishna, learned counsel for the Revision Petitioner and Sri P. Shiva Rao, learned Standing Counsel for Respondent Nos. 3 & 4 are present at the web hearing.

Sri P. Shiva Rao, learned Standing Counsel for the Respondent Nos. 3 & 4 requested time for filing counter. Four (4) weeks time is granted. Call on 06-04-2022.

Sd/-
MEMBER / TRS

Sd/-
CHAIRMAN

Sd/-
MEMBER / PRR

OP No. 17 of 2022
APSPDCL, APEPDCL & APCPDCL Vs. M/s. Sembcorp Energy India Limited

Petition under Section 86 (1) (b) of the Electricity Act, 2003 seeking approval for the Power Supply Agreement Dt.31.12.2021 with Sembcorp Energy India Limited for supply of 625 MW power (500 MW firm capacity and 125 MW Open Capacity) at a tariff of Rs.3.84 (Rs.1.67 FC + Rs. 2.17 VC).

Sri P. Shiva Rao, learned Standing Counsel for the Petitioners, is present at the web hearing. He submits that as the issue relates to fixation of tariff, publication of notices under Section 64(2) of the Electricity Act is required.

Accordingly, the petitioners are directed to carry out publication of notices in two newspapers having wide circulation within the State of Andhra Pradesh, one in regional language-Telugu and the other in English.

Call on 06-04-2022 for filing proof of publication.

Sd/-
MEMBER / TRS

Sd/-
CHAIRMAN

Sd/-
MEMBER / PRR

IA No. 1 of 2022 in OP No. 73 of 2019
Aditya Birla Renewable SPV I Ltd. Vs. APSPDCL & APTRANSCO

Petitioner filed an Application under Regulation 55 of the Andhra Pradesh Electricity Regulatory Commission (Conduct of Business) Regulations, 1999 read with Section 151 of the Code of Civil Procedure, 1908 for clarification of final order dated 26.07.2021 passed by this Hon'ble Commission in O.P. 73 of 2019.

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

This application is filed for the following relief:

- a) To admit the application;
- b) To clarify that the expression "*wheeling or any other charges*" contained in the operative portion of the Final Order dated 26-7-2021 includes line losses/wheeling losses.

After hearing the learned counsel for the petitioner and after going through the record, we do not find any ambiguity in the order dated 26-07-2021, requiring any clarification.

The application is, accordingly, dismissed.

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. Aniket Prasoon, 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 for the Respondent requested time for filing counter. Four (4) weeks time is granted. The petitioner is permitted to file rejoinder, if any, within a week thereafter. Call on 06-04-2022 for counter and rejoinder.

Sd/-
MEMBER / TRS

Sd/-
CHAIRMAN

Sd/-
MEMBER / PRR

OP No. 114 of 2021
Triveni Enterprises Vs. APTRANSCO & APSPDCL

Petition filed under sections 86(1)(a), 86(1)(b) and 86(1)(e) of the Electricity Act, 2003, for approval of generic tariff at Rs. 3.43/- per unit for sale of wind power to the AP DISCOMs, for PPA dt: 31-03-2011 in the State of Andhra Pradesh, after expiry of the ten year period in terms of the Order dated: 01-05-2009 passed by this Hon'ble Commission in OP Nos. 6 and 7 of 2009

OP No. 115 of 2021
Chandulal Surajmal Vs. APTRANSCO & APSPDCL

Petition filed under sections 86(1)(a), 86(1)(b) and 86(1)(e) of the Electricity Act, 2003, for approval of generic tariff at Rs. 3.43/- per unit for sale of wind power to the AP DISCOMs, for PPA dt: 21-04-2010 in the State of Andhra Pradesh, after expiry of the ten year period in terms of the Order dated: 01-05-2009 passed by this Hon'ble Commission in OP Nos. 6 and 7 of 2009

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

Counter filed by the respondents.

The learned counsel for the petitioners requested time for filing rejoinders.

As the matters pertain to fixation of tariff, publication of notices under Section 64(2) of the Electricity Act is required.

Accordingly, the petitioners are directed to carry out publication of notices in two newspapers having wide circulation within the State of Andhra Pradesh, one in regional language-Telugu and the other in English.

Call on 13-04-2022 for filing proof of publication and for filing rejoinders.

Sd/-
MEMBER / TRS

Sd/-
CHAIRMAN

Sd/-
MEMBER / PRR

OP No. 93 of 2021
M/s Axis Wind farms (MPR Dam) Vs. APSPDCL

OP No. 94 of 2021
M/s Saipuram Wind Energies Pvt Ltd., Vs. APSPDCL

OP No. 95 of 2021
M/s JED Solar Parks Pvt. Ltd., Vs. APSPDCL

OP No. 96 of 2021
M/s Skeiron Renewable Energy Amidyala Ltd., Vs. APSPDCL

OP No. 97 of 2021
M/s Animala Wind Power Pvt Ltd., Vs. APSPDCL

OP No. 98 of 2021
M/s Poly Solar Parks Pvt. Ltd. Vs. APSPDCL

OP No. 99 of 2021
M/s Vayuputhra Energy Pvt Ltd., Vs. APSPDCL

OP No. 100 of 20221
M/s Sandla Wind Project Pvt. Ltd., Vs. APSPDCL

OP No. 101 of 2021
M/s Guttaseema Wind Energy Company Pvt Ltd., Vs. APSPDCL

Petition under section 86 (1) (e) & (f) of the Electricity Act, 2003 r/w Regulation 55 of APERC (Conduct of Business) Regulations, 1999, as amended r/w Article 10 of PPA seeking outstanding dues, late payment interest etc.

Sri. Kaushik Soni representing Sri. P. Sri Raghuram, Learned Senior Counsel for the petitioners and Sri P. Shiva Rao, learned Standing Counsel for the Respondent are present at the web hearing.

Learned counsel for the petitioners requested adjournment by submitting that judgement in the pending Writ Appeals/Writ Petitions is reserved by the Honourable High Court . Accordingly, the OPs are adjourned *sine die*, with liberty to the petitioners to move the Commission for posting depending upon the results of the cases pending before the Honourable High Court.

Sd/-
MEMBER / TRS

Sd/-
CHAIRMAN

Sd/-
MEMBER / PRR

OP. No. 86 of 2021 & IA No. 1 of 2021
M/s. Sarda Metals & Alloys Ltd Vs. APEPDCL

Petition u/s 86 (1) (f) of the Electricity Act, 2003 challenging the levy & collection of overinjection charges and seeking a direction to the respondent to pay an amount of Rs.2,90,81,340/- towards the power (10769675 KWH) injected by the petitioner during the period of 03.02.2013 to 28.02.2021.

Interlocutory Application is filed seeking interim relief

Sri. Kaushik Soni, representing Sri. P. Vikram, learned counsel for the petitioner; and Sri. P. Shiva Rao, learned Standing counsel for the Respondent are present at the web hearing.

Counter filed. The learned counsel for the petitioner requested further time for filing rejoinder. Call on 13-04-2022.

Sd/-
MEMBER / TRS

Sd/-
CHAIRMAN

Sd/-
MEMBER / PRR

OP No. 117 of 2021
Hindupur Solar Park Pvt. Ltd. Vs. APSLDC & SPDCL

OP No. 118 of 2021
Hindupur Solar Park Pvt. Ltd. Vs. APSLDC & SPDCL

Petition under Section 33 (4) r/w Sections 86 (1) (e), (f) & (k) of the Electricity Act, 2003 questioning the alleged wrongful curtailment of power of the petitioner by APSLDC / Respondent No. 1 and sought appropriate orders inter-alia, against the respondents to not issue curtailment instructions.

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

Counters are filed. At the request of the learned counsel for the petitioners, call on 06-04-2022 for filing rejoinders.

Sd/-
MEMBER / TRS

Sd/-
CHAIRMAN

Sd/-
MEMBER / PRR

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

Counters are filed. At the request of the learned counsel for the petitioners, call on 06-04-2022 for filing rejoinders.

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.

Sri P. Shiva Rao, learned Standing Counsel for the respondents, submits that his client has been taking technical assistance from CEA; and that he requires some time for making a presentation after receipt of such technical assistance.

The request of the learned Standing Counsel is accepted. He shall submit his written presentation on or before 21-03-2022 after serving on the other side.

Post on 06-04-2022 for hearing.

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

Sri. Basava Prabhu Patil, learned Senior Counsel and 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.

We have heard the learned senior counsel for the petitioner and Sri P. Shiva Rao, learned standing counsel for the respondents.

As regards the request of the learned Senior Counsel for the petitioner for disposal of the O.P., Sri P.Shiva Rao, learned Standing Counsel for the respondents, submitted that one of the issues argued before the Honourable High Court of Andhra Pradesh relates to tariff at which the payment has to be made even in respect of the petitioner, pending adjudication of the O.Ps., filed before the Commission. The learned Senior Counsel, however, disputed this submission.

The learned Senior Counsel for the petitioner submitted that the respondents are in huge arrears and that the petitioner has been facing severe financial crunch on account of non-payment of bills by the respondents. The petitioner sought recovery of about Rs.351 crores as on 19-1-2021 and according to the learned Senior Counsel the arrears have further mounted upto Rs.432.43 crores of principal amount. As some related issues are pending before the Honourable High Court of Andhra Pradesh, we defer adjudication of the O.P., for the time being. However, to relieve the petitioner of the financial hardship being faced by it due to non-payment of even admitted liability by the respondents, we are of the opinion that the respondents shall clear the arrears in reasonable instalments, pending disposal of the O.P.

Accordingly, the respondents, to start with, shall pay a sum of Rs.75.00 crores (Rupees seventy five crores) on or before 31-03-2022.

Call the O.P. on 06-04-2022 for reporting compliance of the above direction in respect of the payment of Rs.75 crores and also for issuing similar directions for payment for subsequent months.

Sd/-
MEMBER / TRS

Sd/-
CHAIRMAN

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MEMBER / PRR