

**Record of Proceedings dated 23-03-2022**

OP No. 13 of 2022	-	APSPDCL
OP No. 19 of 2022	-	APEPDCL
OP No. 20 of 2022	-	APCPDCL

Public hearing in the matter of Petition seeking pass through of Fuel & Power Purchase Cost Adjustment (FPPCA) for 2nd quarter for FY 2021-22 (July'21 to September' 21)

OP No. 102 of 2021	-	APEPDCL
OP No. 103 of 2021	-	APSPDCL
OP No. 104 of 2021	-	APCPDCL

Public hearing in the matter of petitions filed by DISCOMs for pass through of Fuel & Power Purchase cost Adjustment (FPPCA) for 1st quarter for FY 2021-22 (Apr'21 to Jun'21) in Rs/Unit as per Second amendment to APERC Regulation No.4 of 2005 (Terms and condition for determination of tariff on wheeling and retail sale of electricity ) Regulation No.4 of 2021.

Sri P. Shiva Rao, learned Standing Counsel for the petitioners and Sri. M. Venugopala Rao, Sri. R. Shiva Kumar & Sri. Shreekant Vijay Dhuri, learned objectors are present at the web hearing.

These petitions are pertaining to pass through of Fuel & Power Purchase Cost Adjustment (FPPCA) for the 1st and 2nd quarters for FY 2021-22 (Apr'21 to Jun'21) and FY 2021-22 (July'21 to September' 21) respectively. Sri. M. Venugopala Rao, learned objector submitted that in the wake of the recent Judgement of the Hon'ble High Court of Andhra Pradesh relating to the review of PPAs, additional liability arose for the petitioners and that it would be appropriate to revise the claims of the petitioners with reference to such additional liability. Sri. R. Shiva Kumar and Sri. Shreekant Vijay Dhuri, the learned objectors have also agreed with the said submission of Sri. M. Venugopala Rao. Accordingly Sri P. Shiva Rao agreed for revision of the claims in all these OPs. Four weeks time for this purpose is granted. On receipt of the revised claims, the office of the Commission shall put up the same on its website. Four weeks time for the objectors to file their objections from the

date of publication in the website is granted. Two weeks for further responses by the petitioners is also granted. Accordingly, call on 29-06-2022.

Sd/-  
MEMBER / TRS

Sd/-  
CHAIRMAN

Sd/-  
MEMBER / PRR

OP No. 14 of 2022	-	APEPDCL
OP No. 15 of 2022	-	APSPDCL
OP No. 16 of 2022	-	APCPDCL

Public hearing in the matter of Petition seeking computation of Pooled Cost of Power Purchase for the year 2020-21 to be considered for year 2021-22

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

No objections have been received despite the public notice of the Commission. Orders reserved.

Sd/-  
MEMBER / TRS

Sd/-  
CHAIRMAN

Sd/-  
MEMBER / PRR

OP No. 23 of 2022 & IA No. 1 of 2022  
M/s. Ayaana Ananthapuram Solar Pvt Ltd Vs. NTPC, APSPDCL & APEPDCL

Petition under Section 86(l)(f) of the Electricity Act, 2003 and Article 12 of the Power Purchase Agreement dated 17.07.2018 between the Petitioner and the Respondent No. 1 seeking relief on account of Change in Law, viz., the imposition of Safeguard Duty by way of the Notification No. 01/2018 Customs (SG) dated 30.07.2018 issued by the Department of Revenue, Ministry of Finance, Government of India and subsequent extension/continuation thereof by way of Notification No. 02/2020 Customs (SG) dated 29.07.2020.

Petitioner also filed an application seeking urgent listing of the accompanying petition along with supporting affidavit

Sri. Aniket Prasoon, learned counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the Respondent Nos. 2 & 3 (APSPDCL & APEPDCL) & Sri. Ispaul Uppal, counsel for the Respondent No. 1 (NTPC) are present at the web hearing.

Sri. Ispaul Uppal, representative of Respondent No. 1 (NTPC) submitted that Respondent No. 1 has received the notice today and it would like to file its reply. Sri P. Shiva Rao, learned Standing Counsel for the Respondent Nos. 2 & 3 (APSPDCL & APEPDCL) also requested time for reply. Time is accordingly granted. Call on 15-06-2022.

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

Counters have been filed. The time for rejoinder is granted. Call on 22-06-2022.

Sd/-  
MEMBER / TRS

Sd/-  
CHAIRMAN

Sd/-  
MEMBER / PRR

OP No. 9 of 2022 & IA No. 1 of 2022  
M/s. Greenko Solar Power (Dharanavaram) Ltd., Vs. APSPDCL

OP No.10 of 2022 & IA No. 1 of 2022  
M/s. SEI Arushi Private Limited Vs. APSPDCL

OP No. 11 of 2022 & IA No. 1 of 2022  
M/s. SEI Green Flash Private Limited Vs. APSPDCL

Petition under section 86(1) (e) & (f) of the Electricity Act, 2003 seeking directions to the Respondents to pay the outstanding amounts and Late Payment Surcharges among others.

IAs also filed by the petitioners under section 94(2) of the Electricity Act, 2003 r/w Regulation 55 of the APERC conduct of business regulations, 1999 seeking interim directions against the respondent

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

Counters in the OPs are filed. Sri P. Shiva Rao, learned Standing Counsel for the Respondents requested time for filing of counters in the IAs. Accordingly, time is granted. Call on 29-06-2022.

Sd/-  
MEMBER / TRS

Sd/-  
CHAIRMAN

Sd/-  
MEMBER / PRR

OP No. 76 of 2021  
Spectrum Power Generation Ltd Vs. APSPDCL & APEPDCL

Petition u/s 86 (1) (f) of the Electricity Act, 2003 r/w Clause (55) of APERC (Conduct of Business) Regulations seeking recovery of withheld balance Fixed Cost amount of Rs. 16.04 crores out of Rs. 37.92 crores payable to M/s. SPGL for the Tariff Year 2018-19 and recovery of withheld amount of Rs.2.42 crores and Rs. 1.78 crores with respect to energy bills for December 2020 and April 2020.

Sri. S. Ravi, Sr. Advocate for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the respondents is present at the web hearing.

At the request of the parties, call on 29-06-2022.

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

The issue is identical to that arising in the matter of M/s. ZR Renewable Energy Pvt Ltd (OP No. 66 of 2021). Call this OP along with OP No. 66 of 2021 on 22-06-2022.

Sd/-  
MEMBER / TRS

Sd/-  
CHAIRMAN

Sd/-  
MEMBER / PRR

OP No. 92 of 2021 & IA No. 1 of 2021  
M/s. Sree Venkata Sreedevi Power LLP Vs. APSPDCL & APPCC

Petition under Section 86(1)(f) read with Section 86(1)(e) of the Electricity Act, 2003, Regulation 8 of the Andhra Pradesh Electricity Regulatory Commission (Conduct of Business) Regulations, 1999 as amended from time to time seeking direction to APSPDCL and APPCC for releasing payment against the outstanding interest on delayed payment of invoices towards sale of biomass energy as per the PPA.

The Petitioner also filed an application seeking directions to the respondents to release and make payment immediately to the petitioner.

Sri. Deepak Chowdhary representing Sri. Challa Gunaranjan, counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the respondents are present at the web hearing.

OP is allowed in part (vide separate order).

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

Sri. S.V. Ramana, Advocate representing Sri. O. Manohar Reddy, Counsel for the petitioner is physically present in the Court. He requested a short adjournment. Call on 20-04-2022 at 11.00 AM.

Sd/-  
MEMBER / TRS

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CHAIRMAN

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

Sri. S.V. Ramana, Advocate representing Sri. O. Manohar Reddy, Counsel for the petitioner is physically present in the Court. He requested a short adjournment. Call on 20-04-2022 at 11.00 AM.

Sd/-  
MEMBER / TRS

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CHAIRMAN

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MEMBER / PRR

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

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  
according in principle approval for procurement of power from Mini Hydel Projects

Sri P. Shiva Rao, learned Standing Counsel for the petitioners and Sri. Deepk  
Chowdary, Advocate representing Sri. Challa Gunaranjan, Counsel for the  
respondents are present at the web hearing.

Call along with OP No. 40 of 2020.

Sd/-  
MEMBER / TRS

Sd/-  
CHAIRMAN

Sd/-  
MEMBER / PRR

O.P.No. 40 of 2020  
Victory Power Systems Pvt Ltd Vs. APSPDCL

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

As the case requires further detailed hearing. Call on 07-04-2022 at 11.30 AM.

Sd/-  
MEMBER / TRS

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CHAIRMAN

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MEMBER / PRR

OP No. 21 of 2015  
Hinduja National Power Corporation Ltd (HNPCL) Vs APDISCOMs

The petition filed by the petitioner (HNPCL) for determination of capital cost of its  
1040 MW (2 x 520 MW) thermal power plant at Visakhapatnam

Sri. M.G. Ramachandran, learned Senior Counsel for the petitioner; Sri P. Shiva Rao, learned Standing Counsel for the respondents and M.Venugopal Rao the learned objector are present at the web hearing.

In the light of the judgement of the Hon'ble Supreme Court directing the Commission to dispose of the OPs within 6 months, the OPs shall be posted for hearing on 22-04-2022 at 11.00 AM. Meanwhile, the petitioner may submit any further relevant material by serving on the counsel for the respondents and also the learned objector. The responses, if any, in the matter may be filed before the next date of hearing.

Sd/-  
MEMBER / TRS

Sd/-  
CHAIRMAN

Sd/-  
MEMBER / PRR

OP No. 19 of 2016  
APDISCOMs Vs. Hinduja National Power Corporation Ltd (HNPCL)

The petition filed by APDISCOMs for grant of approval of PPA to 1040 MW (2 x 520  
MW) thermal power plant of the respondent herein at Visakhapatnam

Sri P. Shiva Rao, learned Standing Counsel for the petitioners and Sri. M.G. Ramachandran, learned standing counsel for the respondent are present at the web hearing.

Call along with OP No. 21 of 2015 on 22-04-2022 at 11.00 AM.

Sd/-  
MEMBER / TRS

Sd/-  
CHAIRMAN

Sd/  
MEMBER / PRR