

Record of Proceedings dated 24-02-2021

O.P.No.53 of 2019

APPDCL Vs APSPDCL & APEPDCL

Petition u/s 62 of the Electricity Act, 2003 for determination of tariff for the control period FY 2019-2024 for the electricity supplied by APPDCL from SDSTPS to the Distribution Licensees in Andhra Pradesh

R.P.No.2 of 2019 in O.P.No.47 of 2017

APPDCL Vs APSPDCL & APEPDCL

Petition u/s 94 (1) (f) of the Electricity Act, 2003 praying for review of the order dated 02/03/2019 passed in O.P. 47 of 2017 for determination of tariff from 02/05/to 31/03/2019 for the electricity supplied by APPDCL from SDSTPS to the Distribution Licensees in Andhra Pradesh

R.P.No.1 of 2020 I.A.No.17 of 2020 in O.P.No.47 of 2017

APSPDCL & APEPDCL Vs APPDCL

Petition U/s. 94 (1)(f) of the E.Act, 2003 /w Regulation 8 of 2004 APERC (Conduct of Business), 1999 seeking review of the order dated 02-03-2019 passed in O.P.No. 47 of 2017 for determination of Tariff from 02-05-2015 to 31-03-2019 for the electricity supplied by APPDCL from SDSTPS to the distribution licensees in AP

Application for condonation of delay in filing review petition in O.P.No.47 of 2017

We have heard the submissions of Sri K. Gopal Choudary, learned counsel for the review petitioner in R.P.No.2 of 2019 in O.P.No.47 of 2017 and Sri P. Shiva Rao, learned Standing Counsel for the respondents in the said review petition and also the petitioner in R.P.No.1 of 2020, in great detail. Sri K. Gopal Choudary has undertaken to file supporting material in respect of the land development cost along with a brief note within two weeks. Sri P. Shiva Rao is permitted to file response of the respondents thereto within two weeks thereafter. After passing appropriate orders in the review petitions, O.P.No.53 of 2019 will be taken up for hearing separately.

Sd/-
MEMBER / TRS

Sd/-
CHAIRMAN

Sd/-
MEMBER / PRR

R.P.No.2 of 2020 in O.P.Nos.68 & 69 of 2019
APSPDCL & APEPDCL Vs --
Review Petition on the Order dt.10-02-2020 in O.P.Nos.68 & 69 of 2019 in respect of
the Retail Supply Tariff Order for FY 2020-21

Sri P. Shiva Rao, learned Standing Counsel for the review petitioner, Sri Sajan Poovayya, learned senior counsel for some of the objectors and Sri M. Venugopala Rao, learned objector are present at the web hearing.

Sri P. Shiva Rao while admitting that certain averments / comments in the review petition are not in conformity with the limits to be observed before a quasi judicial body such as the Commission, requested for an adjournment to delete those offending portions in the review petition and file an amended review petition. After hearing Sri Sajan Poovayya, learned senior counsel for some of the objectors, the Commission feels that the petitioners are entitled to an opportunity to mend their conduct. Accordingly, the review petition is adjourned by six weeks. Within four weeks, the review petitioner shall file an amended petition as offered by the learned Standing Counsel after serving a copy of the same on Sri Sajan Poovayya and Sri M. Venugopala Rao. Call on 28-04-2021.

Sd/-
MEMBER / TRS

Sd/-
CHAIRMAN

Sd/-
MEMBER / PRR

I.A.No.46 of 2020 & I.A.No.47 of 2020 in O.P.No.48 of 2020
Guttaseema Wind Energy Company Pvt Ltd Vs APSPDCL
Petition filed u/s 61 (h), 86 (1) (e) & 86 (1) (f) of the Electricity Act, 2003 r/w
Regulation 55 of the APERC (Conduct of Business) Regulations, 1999 seeking
directions to the Respondent

I.A.No.46 of 2020 - Application filed u/s 94 (2) of the Electricity Act, 2003 seeking to
suspend the notice bearing Lr. No.APSPDCL/TPT/CGM/IPC/GM
/IPC/EE/F.456/D.No.86420 Dt.01-07-2020

I.A.No.47 of 2020 - Application filed u/s 94 (2) of the Electricity Act, 2003 seeking directions to the Respondent to provide the synchronization approval to the petitioner for commissioning 20 MW wind power project (which has been ready for commissioning since June 2019)

Sri Sajan Poovayya, learned senior counsel for the applicant / petitioner and Sri P. Shiva Rao, learned Standing Counsel for the respondent are present at the web hearing.

After arguing for some time, Sri Sajan Poovayya, learned senior counsel requested for an adjournment for holding negotiations with the respondent to arrive at a mutually agreed tariff in respect of the 20 MW power project which is yet to be synchronized and which is the subject matter of the present I.A. and O.P., without prejudice to the petitioner's right to pursue the present I.A. and O.P. Accordingly I.A. is adjourned. Call on 28-04-2021.

Sd/-
MEMBER / TRS

Sd/-
CHAIRMAN

Sd/-
MEMBER / PRR

O.P.No. 6 of 2020

M/s. Spectrum Power Generation Ltd Vs APSPDCL, APEPDCL & APTRANSCO
Petition under Section 86 (1)(f) of the Electricity Act, 2003 read with Clause (55) of
APERC (Conduct of Business) Regulations seeking recovery of rebate (2.5%)
deducted by DISCOMs in payment of monthly energy bills

Heard Sri S. Ravi, learned senior counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the respondents. Though the parties have taken extreme positions to start with, during the hearing, they have adopted realistic approach, in that, the petitioner concedes that the claims made from Sl.Nos.1 to 11 at Annexure 'A' are barred by limitation and that wherever payments are made within the prescribed periods, rebate of 2.5% or 1% as the case may be can be claimed by the respondents. The respondents on their part concede that wherever payments have been made within the prescribed time only, they are entitled to claim rebate. In

the light of the above, Sri S. Ravi submitted that he will file a revised calculation reflecting the actual rebate deductible by the respondents with reference to the payments from Sl.No.12 onwards for 2016-17 and for all other items for 2017-18, 2018-19 and part of 2019-20. Such a revised statement shall be filed within two weeks from today. The respondents shall file their response, if any, to the revised statement within two weeks thereafter. Call on 07-04-2021.

Sd/-
MEMBER / TRS

Sd/-
CHAIRMAN

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MEMBER / PRR

O.P.No.9 of 2020 I.A.No.10 of 2020; I.A.No.11 of 2020 I.A.No.38 of 2020
I.A.No.41 of 2020 I.A.No.1 of 2021
M/s.Vibrant Greentech India Pvt Ltd. Vs APSPDCL & 2 others

Petition U/Sec. 86(1)(b) r/w 86 (1) (f) of the Electricity Act, 2003 R/w APERC (Conduct of Business) Regulations, 1999 to direct the APSPDCL to act upon the PPA dt.30-03-2017 entered into with the petitioner for purchase of power from its 4.25 MW wind power project and to direct to pay for the power generated and supplied from the petitioner's project, for the period from the date of COD i.e., 30-03-2017 onwards along with interest and to direct APSPDCL to open irrevocable revolving letter of credit as per Article 5.4 of PPA dated 30-03-2017

I.A.No.10 of 2020 - Application filed under Section 94(2) r/w 86(1) (b) and 86(1) (f) of the Electricity Act, 2003 read with APERC (Conduct of Business) Regulations,1999 seeking directions to APSPDCL to make payment for the power supplied by the petitioner's 4.25 MW Wind Power Project (WPP) during the pendency of O.P.No.9 of 2020 at an appropriate interim tariff.

I.A.No.11 of 2020 - Application filed under Section 94(2) r/w 86(1) (b) and 86(1) (f) of the Electricity Act, 2003 read with APERC (Conduct of Business) Regulations,1999 seeking directions to the respondents to reconnect the petitioner's 4.25 MW WPP and to account the energy exported from the petitioner's project.

I.A.No.38 of 2020 - Application filed by the Respondent No.1 / APSPDCL in OP No.9 of 2020 Under Clause 16(3) R/w Clause 55 of APERC (Conduct of Business) Regulation 2 of 1999 for submitting additional Documents

I.A.No.41 of 2020 - Application filed by the petitioner under Clause 16 r/w Clause 55 of APERC (Conduct of Business) Regulation 2 of 1999 to receive the additional documents on behalf of the petitioner

I.A.No.1 of 2021 - Application filed by the petitioner under Regulation 55 of APERC (Conduct of Business) Regulation 2 of 1999 to take on record additional pleadings and prayers.

O.P.No.20 of 2020 I.A.No.1 of 2021

M/s. Chaitanya Projects Vs APSPDCL & 2 others

Petition filed u/s 86 (1) (b) r/w 86 (1) (f) of the Electricity Act, 2003 r/w APERC (Conduct of Business) Regulation 1999 seeking directions to the Respondent No.1 to act upon the PPA dt.30-03-2017 entered into with the petitioner for purchase of power from its 0.8 MW Wind Power Project and to direct to pay for the power generated and supplied from the petitioner's project for the period from the date of the commissioning i.e., 29-03-2017 onwards along with interest and to direct the APSPDCL to open irrevocable revolving letter of credit as per Article 5.4 of PPA dt.30-03-2017.

I.A.No.1 of 2021 - Application filed by the petitioner Petition filed u/s 86 (1) (b) r/w 86 (1) (f) of the Electricity Act, 2003 r/w APERC (Conduct of Business) Regulation 1999 seeking directions to the Respondent No.1 to act upon the PPA dt.30-03-2017 entered into with the petitioner for purchase of power from its 0.8 MW Wind Power Project and to direct to pay for the power generated and supplied from the petitioner's project for the period from the date of the commissioning i.e., 29-03-2017 onwards along with interest and to direct the APSPDCL to open irrevocable revolving letter of credit as per Article 5.4 of PPA dt.30-03-2017 seeking an amendment to the prayer made therein.

Sri Challa Gunaranjan, learned counsel for M/s. Vibrant Greentech India Pvt Ltd, Sri P. Sriraghuram, learned senior counsel for M/s. Chaitanya Projects and Sri P. Shiva Rao, learned Standing Counsel for the respondents are present at the web hearing.

At the request of the learned counsel for both parties, call on 17-03-2021.

Sd/-
MEMBER / TRS

Sd/-
CHAIRMAN

Sd/-
MEMBER / PRR

O.P.No.64 of 2019

M/s. Indian Oil Corporation Limited Vs APSPDCL & APTRANSCO

Petition under Section 86(1) (f) of the Electricity Act, 2003 read with APERC (Conduct of Business) Regulations, 1999 seeking directions to the respondents for releasing payment against the outstanding monthly invoices towards sale of wind energy along with the interest / delayed payment surcharge on such delayed payments, payments of amounts deducted towards 1% rebate from monthly invoices and interest on delayed payment as per Articles 2.2 and 5.2 of the Power Purchase Agreements dated 08-05-2012, 31-03-2012, 21-03-2013 and 18-07-2014

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.

At the request of the learned counsel for both parties, call on 17-03-2021.

Sd/-
MEMBER / TRS

Sd/-
CHAIRMAN

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MEMBER / PRR