

Record of Proceedings dated 24-11-2021

O.P.No. 46 of 2020
APTRANSCO Vs. ---NIL---

Filing of the True-up for the 3rd control period (FY2014-19) for its Transmission Business U/s 26 (5) of the AP Electricity Reform Act, 1998 and under Part VII (Section 61 to 64) of the Electricity Act, 2003 r/w the relevant APERC Guidelines and Regulations till date, by the APTRANSCO as the Transmission Licensee and as SLDC Operator

Sri P. Shiva Rao, learned Standing Counsel for the Petitioner and 37 objectors are present at the Public Hearing conducted through Video Conference mode.

(i) Sri Ch. Babu Rao CPI(M), (ii) Sri Shreekant Vijay Dhuri, (iii) Sri Shiva Kumar and (iv) Sri M. Venugopal Rao, learned objectors, have made their oral submissions. Sri P. Shiva Rao has advanced his reply submissions. Some of the objectors who made their oral submissions requested for reasonable time for enabling them to file further written responses, if any. Sri P. Shiva Rao is directed to submit his written responses to the points raised by the learned objectors during their oral submissions. Three weeks' time for both sides for the above purpose is granted. Orders reserved.

Sd/-
MEMBER / TRS

Sd/-
CHAIRMAN

Sd/-
MEMBER / PRR

OP No. 15 of 2021
APEPDCL Vs. ---NIL--

Public hearing in the matter of determination of the True up for Retail Supply Business for FY 2019-20 in accordance with the "Andhra Pradesh Electricity Regulatory Commission (Terms And Conditions For Determination Of Tariff For Wheeling And Retail Sale Of Electricity) Regulation No.4 of 2005 and amendments issued from time to time.

OP No. 37 of 2021
APSPDCL Vs. ---NIL---

Public hearing in the matter of determination of the True-up for Retail Supply Business for FY 2019-20 in accordance with the APERC (Terms & Conditions for Determination of Tariff for Wheeling and Retail Sale of Electricity) Regulation No. 4 of 2005 and amendments issued from time to time

Sri P. Shiva Rao, learned Standing Counsel for the Petitioner and 37 others are present at the Public Hearing conducted through Video Conference mode.

(i) Sri Ch. Babu Rao CPI (M), (ii) Sri Srikanth Vijay Dhuri, (iii) Sri Shiva Kumar and (iv) Sri M. Venugopal Rao, learned objectors and (v) Ms. Anannya Ghosh, Advocate, have made their oral submissions. Sri P. Shiva Rao has advanced his reply submissions. Some of the objectors who made their oral submissions requested for reasonable time for enabling them to file further written responses, if any. Sri P. Shiva Rao is directed to submit his written responses to the points raised by the learned objectors during their oral submissions. Three weeks' time for both sides for the above purpose is granted. Orders reserved.

Sd/-
MEMBER / TRS

Sd/-
CHAIRMAN

Sd/-
MEMBER / PRR

OP No. 105 of 2021 & IA No. 1 of 2021
M/s International Conveyors Limited Vs. APTRANSCO & APSPDCL

Petition under the Sections 86(1)(a), 86(1)(b) and 86(1)(e) of the Electricity Act, 2003, seeking approval of generic tariff at Rs.3.43/- per unit for sale of wind power to the A.P. DISCOMS, from its generating plants located at Kurnool District, after expiry of the initial ten year period in terms of the Order dated 01.05.2009 passed by this Hon'ble Commission in O.P Nos. 6 and 7 of 2009.

Petitioner also filed an application seeking a direction that the generic tariff of Rs. 3.43/- per unit may be made applicable to the applicant / petitioner during the pendency of the present petition.

Sri. A.P. Reddy, 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 requested for further time for filing counter. Call the O.P. on 05-01-2022 for counter affidavit.

I.A.No.1 of 2021

Sri. A. P. Reddy, learned Counsel for the petitioner, submitted that in identical matters, this Commission has granted interim order directing the respondents to pay interim tariff @ Rs.2.43 ps. per unit from the 11th year onwards subject to the final orders that

may be passed in the O.P. Sri P. Shiva Rao, learned Standing Counsel for the respondents, has fairly admitted the said position.

In the light of the above, the respondents are directed to pay the petitioner interim tariff @ Rs.2.43 ps. per unit from the 11th year onwards pending further orders, which shall be subject to the final outcome of the O.P.

The I.A. shall accordingly stand disposed of.

Sd/-
MEMBER / TRS

Sd/-
CHAIRMAN

Sd/-
MEMBER / PRR

OP No. 89 of 2021
M/s. Mytrah Vayu (Pennar) Private Limited Vs. APSPDCL & APPCC

Petition under Section 86(l)(f) of the Electricity Act, 2003, R/w. APERC (Conduct of Business) Regulations, 1999 seeking direction to the respondents for releasing payment against the outstanding monthly invoices towards sale of wind energy along with the interest/delayed payment surcharge as per Articles 2.2 and 5.2 of the Power Purchase Agreement dated 27.04.2012.

Sri. Deepak Choudary, 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.

Counter affidavit is filed. At the request of the learned Counsel for the petitioner, call on 05-01-2022 for rejoinder.

Sd/-
MEMBER / TRS

Sd/-
CHAIRMAN

Sd/-
MEMBER / PRR

OP No. 90 of 2021 & IA No. 1 of 2021
M/s. Mytrah Vayu (Krishna) Private Limited Vs. APSPDCL

Petition under Section 86 (1) (f) of the Electricity Act, 2003 and other applicable provisions of the Electricity Act, 2003 seeking appropriate directions(s) / order(s) from this Hon'ble Commission against the Southern Power Distribution Company of Andhra Pradesh Limited in relation to the issues regarding the delay in execution of minor amendments directed by the Hon'ble Commission to the Power Purchase Agreement dated 12.02.2014 which is severely prejudicing the rights and interests of the Petitioner.

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

Counter affidavit is filed. Sri Avinash Desai submitted that he is ready to argue the case. Sri P. Shiva Rao however stated that he requires time for preparation. Considering the plea of the learned Counsel for the petitioner that the respondents have not been taking even meter readings, let alone payment for the power generated and supplied by the petitioner, the respondents are directed to take the meter readings regularly, which shall however be subject to the result of the O.P. Call on 05-01-2022.

Sd/-
MEMBER / TRS

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CHAIRMAN

Sd/-
MEMBER / PRR

OP No. 41 of 2021
M/s. Lanco Kondapalli Power Limited Vs. APSPDCL, APEPDCL, APCPDCL and
APPCC

Payment of differential bills amount for the energy supplied by M/s. Lanco Kondapalli Power Limited to SPDCL of AP and EPDCL of AP Ltd

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

Further time for filing counter is sought for by Sri P. Shiva Rao. The request is accepted and time is granted for filing counter, finally. Call on 05-01-2022.

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

Sri Raghava Reddy submitted that they are filing rejoinder in the course of the day. Call on 05-01-2022 for hearing.

Sd/-
MEMBER / TRS

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CHAIRMAN

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MEMBER / PRR

OP No. 74 of 2021
M/s. G Shoe Export Vs. APTRANSCO & APSPDCL

Petition under section 86(1)(b), 86(1)(e) and 86 (1) (f) of the Electricity Act, 2003 for specific performance of the Power Purchase Agreement dated 05-06-2012 and for a direction against the respondents for the payments of the outstanding amounts.

OP No. 75 of 2021
M/s. MGM Springs Pvt Ltd Vs. APTRANSCO & APSPDCL

Petition under section 86(1)(b), 86(1)(e) and 86 (1) (f) of the Electricity Act, 2003 for specific performance of the Power Purchase Agreement dated 05-06-2012 and for a direction against the respondents for the payments of the outstanding amounts

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

Rejoinder is filed. Call on 19-01-2022 for hearing.

Sd/-
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CHAIRMAN

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

Rejoinder is filed. Call on 19-01-2022 for hearing.

Sd/-
MEMBER / TRS

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CHAIRMAN

Sd/-
MEMBER / PRR

OP No. 78 of 2021 & IA No. 1 of 2021
Blyth Wind Park Pvt. Ltd. Vs. APTRANSCO, APSLDC, APSPDCL & APCPDCL

Petition under Section 86(1)(f) of the Electricity Act, 2003 ("Act") for adjudication of dispute arising from the action of Respondent No. 1/ APTRANSCO in directing the Petitioner to pay (Inter-Discom) transmission charges and transmission losses in kind for 17.2MW capacity for the period 01.04.2020 to 06.11.2020 in contravention of the terms of the Long Term Open Access Amendment Agreement dated 06.11.2020 and Andhra Pradesh Electricity Regulatory Commission (Terms and Conditions of Open Access) Regulation, 2005 (Regulation No.2 of 2005) and the Amendments thereto.

Application under Section 94 of the Electricity Act, 2003 and Clause 16 r/w Clause 55 of the APERC (Conduct of Business) Regulations, 1999 to bring on record subsequent facts and additional documents

Ms. Mazag Andrabi, counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for respondents are present at the web hearing.

Ms. Mazag Andrabi submitted that her client has proposed a settlement to the respondent and that they are awaiting the latter's response. Sri P. Shiva Rao requested for an adjournment to report on the offer of settlement by the petitioner. Call on 15-12-2021.

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MEMBER / TRS

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CHAIRMAN

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MEMBER / PRR

OP No. 63 of 2021
Shri Girija Alloy & Power (I) Pvt Ltd Vs. APEPDCL

Petition filed u/s 86 (1) (f) of the Electricity Act, 2003 seeking startup power tariff to be in conformity with Clause 17 of Regulation 3 of 2017.

Sri. Abhinay Reddy representing Sri. P. Vikram, counsel for the petitioner and Sri P. Shiva Rao, learned Standing counsel for the respondent are present at the web hearing.

Further time for filing rejoinder is sought. Call on 05-01-2022.

Sd/-
MEMBER / TRS

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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

Sri. Giridhar Gopal Khattar, counsel for the petitioner and Sri P. Shiva Rao, learned Standing counsel for the respondent are present at the web hearing.

Rejoinder is filed. At the request of the learned Counsel for the petitioner, call on 05-01-2021 for hearing.

Sd/-
MEMBER / TRS

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CHAIRMAN

Sd/-
MEMBER / PRR

OP No. 67 of 2021
Maddimadugu Power Pvt Ltd Vs. APSPDCL

Petition u/s 86 (1) (f) of the Electricity Act, 2003 seeking non-payment of agreed tariff payable to the petitioner (Solar Power Developer), as per the Power Purchase Agreement Dt.04-12-2014 with the respondent and unilaterally paying an unviable tariff of 2.44/kwh as against the escalated tariff of Rs.6.356/kwh as on 05-12-2020

Sri. Rahul Reddy, 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 submitted that the respondent has not so far secured any interim order in the Writ Petition filed against the order of this Commission in O.P.No.64 of 2019. Inasmuch as there is no dispute that the issues raised in the O.P. are squarely covered by the Commission's order in O.P.64 of 2019, we do not find any justification for the respondent to withhold the tariff payable under the PPA. Accordingly, pending further orders in the O.P., the respondent is directed to pay all the arrears due till date of filing of the O.P. within six weeks from today, failing which the CMD of the respondent shall be personally present. Call the O.P. on 02-02-2022.

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MEMBER / TRS

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CHAIRMAN

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MEMBER / PRR