

**Record of Proceedings dated 27-01-2021**

O.P.No.33 of 2020

APEPDCL Vs --

Petition seeking amendments to the Regulation No.4 of 2005 (Terms & Conditions for determination of Tariffs for Wheeling & Retail Sale of Electricity), pursuant to Clause 8 (1) of Regulation No. 2 of 1999 for specification of Fuel & Power Purchase Cost Adjustment Formula (FPPCA) for pass through of power purchase cost variation on quarterly basis instead of Annually

O.P No.35 of 2020

APSPDCL Vs --

APSPDCL filed a petition seeking suitable amendment to clause 12.5 of Regulation No.1 of 2014, pursuant to clause 8 (1) of Regulation No. 2 of 1999 for specification of Fuel & Power Purchase Cost Adjustment Formula (FPPCA) for pass through of Power Purchase Cost variation on quarterly basis instead of annual basis

Sri P. Shiva Rao, learned Standing Counsel for the petitioners, Sri R. Shiv Kumar representing Federation of Andhra Pradesh Chambers of Commerce and Industry (FAPCCI) and Sri P. Vijay Gopal Reddy representing A.P. Ferro Alloys Producers' Association are present at the web hearing.

Heard Sri P. Shiva Rao, learned Standing Counsel for the petitioners, Sri R. Shiv Kumar representing FAPCCI and Sri P. Vijay Gopal Reddy representing A.P. Ferro Alloys Producers' Association. Orders reserved.

Sd/-  
MEMBER / TRS

Sd/-  
CHAIRMAN

Sd/-  
MEMBER / PRR

O.P.No.34 of 2020

APSPDCL Vs --

Petition filed by APSPDCL seeking Determination of the True up for distribution business, for 3rd control period (FY 2014-15 to FY 2018-19) under Clause 19 of 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

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

Sri M. Venugopala Rao has filed his objections. However, he is not present at the hearing. No one else filed any objections. Orders reserved.

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 and Sri Sajan Poovayya, learned senior counsel for some of the objectors, are present at the web hearing.

Sri Sajan Poovayya has taken strong exception to the tone and tenor of the review petition and submitted that the review petition is liable to be dismissed in *limine* with exemplary costs. Sri P. Shiva Rao however requested for time for instructions as to whether to withdraw the review petition or not. Call on 24-02-2021.

Sd/-  
MEMBER / TRS

Sd/-  
CHAIRMAN

Sd/-  
MEMBER / PRR

O.P.No.32 of 2020  
APEPDCL Vs GoAP, APSPDCL & APCPDCL  
In the matter of petition filed by APEPDCL, for approval of the Commission for additional subsidy requirement for additional units of supply to agriculture over and above the Tariff Order approved quantity due to extension of supply to agriculture from 7 Hrs. to 9 Hrs. a day from April -19 to March -2020 as per the directions of the Govt of AP Vide G.O.Ms.No.17 dt 15-02-2019 during day time in 2 spells under present NAVARATNALU programme of Govt. of A.P. in the jurisdiction of Eastern Power Distribution Company of Andhra Pradesh Limited in the state of Andhra Pradesh during FY 2019-20

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

Orders pronounced (*vide separate order*)

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,

Sri P. Shiva Rao, learned Standing Counsel for the respondents submitted that  
having regard to the precarious financial condition, DISCOMs are not able to make  
further payments beyond July, 2020, for the present. He has undertaken to file a  
Memo in writing to this effect within one week. Call on 24-02-2021.

Sd/-  
MEMBER / TRS

Sd/-  
CHAIRMAN

Sd/-  
MEMBER / PRR

O.P.No.29 of 2020

M/s. Vaayu (INDIA) Power Corporation Limited Vs --  
Petition under the Sections 86(1)(a), 86(1)(b) and 86(1)(e) of the Electricity Act,  
2003, for approval of the generic tariff at Rs.3.43 per unit for sale of wind power by  
the Petitioner to DISCOM for all the Seven PPAs, after expiry of the 10 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

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

APSPDCL filed its response. Sri Anil Dutt, learned counsel for the petitioner  
requested for time for filing rejoinder. Call on 31-03-2021.

Sd/-  
MEMBER / TRS

Sd/-  
CHAIRMAN

Sd/-  
MEMBER / PRR

I.A.No.19 of 2019 in O.P.No.35 of 2019  
M/s. Vayu Urja Bharat Pvt. Ltd Vs APSPDCL  
I.A.No.19 of 2020 - Application under Section 142 of the Electricity Act, 2003 read with Regulation 55 of the APERC (Conduct of Business) Regulations, 1999, as amended, seeking urgent directions against APSPDCL for the non-compliance of this Commission's order dated 31-08-2019 in O.P.No.35 of 2019

Sri P. Sriraghuram, learned senior counsel, Sri Aniket Prasoon, Ms. Priya Dhankar and Ms. Mutushi Garg, learned counsel for the applicant / petitioner and Sri P. Shiva Rao, learned Standing Counsel for the respondents are present at the web hearing.

Sri P. Sriraghuram, learned senior counsel and Sri Aniket Prasoon submitted that pending adjudication of the I.A., the respondent may be directed to pay the admitted amount of Rs.65.64 crores within a reasonable time. Sri P. Shiva Rao, learned Standing Counsel for the respondent submitted that due to its dire financial position, the respondent is not able to pay the admitted amount of Rs.65.64 crores immediately and that the respondent is prepared to pay the said amount in two reasonable instalments. Accordingly, the respondent is directed to pay the said amount of Rs.65.64 crores in two equal instalments. The first instalment shall be paid on or before 28-02-2021 and the last instalment shall be paid on or before 31-03-2021. Call on 31-03-2021 for compliance.

Sd/-  
MEMBER / TRS

Sd/-  
CHAIRMAN

Sd/-  
MEMBER / PRR

O.P.No.49 of 2020  
M/s. Vish Wind Infrastrukture LLP Vs --  
Petition under the Sections 86(1)(a), 86(1)(b) and 86(1)(e) of the Electricity Act, 2003, for approval of the generic tariff at Rs.3.43/- per unit for sale of wind power by the Petitioner to DISCOM for all the Seven PPAs, after expiry of the 10 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

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

APSPDCL filed their response. Sri Anil Dutt, learned counsel for the petitioner requested for time for filing rejoinder. Call on 31-03-2021.

Sd/-  
MEMBER / TRS

Sd/-  
CHAIRMAN

Sd/-  
MEMBER / PRR

O.P.No.36 of 2020 & I.A.No.35 of 2020  
M/s. Dalmia Cement (Bharat) Ltd Vs APTRANSCO, APSPDCL & APEPDCL  
Petition under Section 86 (1) (e) of the Electricity Act, 2003 r/w Clauses 9 & 10 of the  
APERC (Compliance by Purchase of Renewable Energy / Renewable Energy  
Certificates) Regulations, 2017 and Clause 57 of the APERC (Conduct of Business)  
Regulations, 1999 seeking exercise of power to issue directions to remove difficulty  
in implementation of the RPPO Regulations

Application for interim relief u/s 86 (1) (e) of the Electricity Act, 2003 r/w Clause 55 of  
the APERC (Conduct of Business) Regulations, 1999 seeking protection from any  
coercive steps taken by the respondent against the petitioner during the pendency of  
present proceedings

Sri P. Somasekhara Naidu, 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 Sri P. Somasekhara Naidu, learned counsel for the petitioner, the  
O.P. is adjourned for filing rejoinder. Call on 31-03-2021.

Sd/-  
MEMBER / TRS

Sd/-  
CHAIRMAN

Sd/-  
MEMBER / PRR

R.P.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 review petitioner and Sri Challa  
Gunaranjan, learned counsel for the respondents are present at the web hearing.

Learned counsel for the respondents requested time for filing counter. Sri P. Shiva Rao, learned Standing Counsel for the review petitioner requested for posting this review petition along with O.P.No.18 of 2020 & O.P.No.40 of 2020 which are stated to be connected to this review petition. This request is accordingly accepted. The office of the Commission is accordingly directed to do the needful. Call on 07-04-2021.

Sd/-  
MEMBER / TRS

Sd/-  
CHAIRMAN

Sd/-  
MEMBER / PRR

I.A.No.12 of 2020 & IA No.44 of 2020 in O.P. No.73 of 2019  
M/s. Aditya Birla Renewable SPV 1 Ltd Vs APSPDCL & APTRANSCO  
Petition filed under Section 86 (1) (f) of the Electricity Act, 2003 and other applicable provisions of the Electricity Act, 2003 read with APERC (Terms and Conditions of Open Access) Regulations, 2005, against Respondent No.1 for claiming wheeling charges and losses from the petitioner for alleged use of distribution system, when no distribution system of Respondent No.1 has been utilized for transmitting electricity from 20 MW captive solar project of the Petitioner

I.A.No.12 of 2020 - Application filed for interim relief

I.A.No. 44 of 2020 - Application filed by the petitioner for Amendment of petition on behalf of the applicant / petitioner in O.P.No.73 of 2019

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

Learned counsel for the petitioner requested for time for filing rejoinder to the additional counter filed by the respondents. Call on 31-03-2021.

Sd/-  
MEMBER / TRS

Sd/-  
CHAIRMAN

Sd/-  
MEMBER / PRR