

Record of Proceedings dated 27-04-2022

OP No. 32 of 2022 & IA No. 1 of 2022

M/s. Brightsolar Renewable Energy Private Limited Vs. APSPDCL, APSLDC
& APPCC

OP No. 32 of 2022:

(Petition under Sections 86(l)(b) and 86(l)(f) of the Electricity Act, 2003 for adjudication of disputes arising out of the Power Purchase Agreement dated 04.12.2014 between Southern Power Distribution Company of Andhra Pradesh Limited and M/s Brightsolar Renewable Energy Private Limited seeking issuance of appropriate order(s)/ direction(s) from this Hon'ble Commission to direct the Southern Power Distribution Company of Andhra Pradesh Limited to pay the outstanding dues in terms of the invoices raised by the Petitioner herein along with the late payment surcharge and opening of Letter of Credit).

Sri Hemanth Sahai, learned Senior 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, seeks time for filing counter. Time is accordingly granted.

Call on 13-7-2022.

IA No. 1 of 2022:

(Application filed under section 94(2) of the Electricity Act, 2003 read with Regulation 55 of the APERC (Conduct of Business) Regulations, 1999 for interim relief)

This application is filed for a direction to the respondents to pay 75% of the total outstanding dues i.e., Rs.22,71,03,169/- in the interim.

Sri Hemanth Sahai, learned Senior Counsel for the petitioner, submitted that the respondents have stopped paying the bills completely from January, 2021 leading to the petitioner suffering great financial distress.

Sri P. Shiva Rao, learned Standing Counsel for the Respondents, has not disputed the said plea of the learned Senior Counsel for the petitioner regarding stoppage of payment of the bills to the petitioner from January, 2021.

In our opinion, it is the duty and obligation of the respondents to pay at least a part of the admitted dues, so that the petitioner will maintain financial viability.

In the facts and circumstances of the case, the respondents are directed to pay Rs.8.00 crores (Rupees eight crores only) within two months from today, failing which, the Chairman & Managing Director of respondent No.1 shall be personally present on the next date of hearing.

Call on 13-7-2022.

Sd/-
MEMBER / TRS

Sd/-
CHAIRMAN

Sd/-
MEMBER / PRR

OP No. 33 of 2022
CMD / APTRANSCO & CGM / Commercial / APTRANSCO Vs. M/s Bharath
Wind Farms Ltd. & others

Petition is filed against the non-conventional energy developers such as wind, biomass, bagasse, mini hydel etc., entered into "Power Wheeling and Purchase Agreement" with the Petitioners at 33KV grid level for non-payment of transmission charges.

Sri P. Shiva Rao, learned Standing Counsel for the petitioners;
and

- (i) Sri. Aditya Singh, Advocate representing M/s. Jyothi Bio-Energy Ltd (R-2);
- (ii) Sri. Sricharan Telaprolu Advocate representing M/s. Tirumala Hydel Power Projects (R-4); M/s. Sri Dhanalakshmi Cotton & Rice Mills Pvt Ltd (R-5); and M/s. Shree Jayalakshmi Power Corporation Ltd (R-6);
- (iii) Sri. Gopala Krishna representing M/s. RPP Ltd (R-8);
- (iv) Sri Parameswara Rao, Representative, representing M/s. The Andhra Sugars Ltd (R-18);

(iv) Sri. Deepak Choudary, Advocate, representing Sri. Challa Gunaranjan, learned cocounsel for M/s. KCP Ltd (R-9) and M/s. Deccan Cements Ltd (R-10);

(v) Sri. Balaji T.S, Deputy General Manager representing M/s. Bharat Heavy Electrical Ltd (R-11);

(vi) Sri. Niranjana J.V, representing M/s. HCL Agro Power Ltd (R-16); and

(vii) Dy. CME(P),, APSRTC representing the APSRTC-Respondent No.19,

are present at the web hearing. They seek time for filing counter-affidavits.

Time is accordingly granted.

Call on 20-07-2022.

Sd/-
MEMBER / TRS

Sd/-
CHAIRMAN

Sd/-
MEMBER / PRR

OP No. 35 of 2022
Tirumala Cotton and Agro Products Pvt Ltd Vs. APPCC, APSPDCL,
APTRANSCO, APSLDC

Petition filed u/s 86(1) (e) of the electricity act, 2003 r/w clause 9 of the APERC (Conduct of Business) Regulations, 1999 to direct the respondents to make payment of an amount of Rs. 76,30,134.37/- due to the petitioner in respect of the sale invoice / bill of supply dt 06-07-2019 for the FY 2018-19 towards sale of the un-utilized banked units

Sri. Sricharan Telaprolu, Counsel for the Petitioner; and Sri P. Shiva Rao, learned Standing Counsel for the Respondents, are present at the web hearing.

Sri Shiva Rao, learned Standing Counsel, requested time for filing counter. Time is accordingly granted.

Call on 06-07-2022.

Sd/-
MEMBER / TRS

Sd/-
CHAIRMAN

Sd/-
MEMBER / PRR

OP No. 36 of 2022
M/s. KCP Limited Vs. APSLDC

Petition filed under section 86(1)(e) of the Electricity Act, 2003 R/w Clause 9 of the APERC Renewable Power Purchase Obligation (Compliance by purchase of renewable energy / Renewable Energy Certificates) Regulations, 2017 - Regulation 1 of 2017

Sri.Deepak Chowdary, Advocate 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.

Sri P. Shiva Rao, learned Standing Counsel for the Respondents, requested time for filing counter. Time is accordingly granted.

Call on 13-07-2022 along with OP No. 26 of 2022.

Sd/-
MEMBER / TRS

Sd/-
CHAIRMAN

Sd/-
MEMBER / PRR