

Record of Proceedings dated 30-06-2021

O.P.No.46 of 2020 & I.A.No.1 of 2021

APTRANSCO Vs ----

Filing of the Ture-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

IA No. 1 of 2021 - Application filed by the Petitioner/APTRANSCO under Regulation 16 R/W Clause 55 of APERC Conduct of Business Regulation No.2 of 1999 for amendment of Petition to implead 3 Discoms

Sri P. Shiva Rao, learned Standing Counsel for the petitioner and Sri M. Venugopala Rao, learned objector are present at the web hearing.

APTRANSCO filed an amendment petition impleading the APSPDCL & APEPDCL. DISCOMs have filed their views. APTRANSCO sought time to file their response on the views of the DISCOMs. Time as requested is granted. Call on 04-08-2021.

Sd/-
MEMBER / TRS

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

Petition for 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".

Sri P. Shiva Rao, learned Standing counsel for the utilities and Sri. M. Venugopala Rao, learned objector are present at the web hearing.

Objections filed by AP Textile Mills Association and the further objections submitted by Sri. M. Venugopala Rao remain to be met by the DISCOM. DISCOM sought time to file response to the objections. Time as requested is granted. Call on 07-07-2021.

Sd/-
MEMBER / TRS

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

Petition for 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 utilities and Sri. M. Venugopala Rao, learned objector are present at the web hearing.

Objections filed by AP Textile Mills Association and the further objections submitted by Sri. M. Venugopala Rao remain to be met by the DISCOM. DISCOM sought time to file response to the objections. Time as requested is granted. Call on 07-07-2021.

Sd/-
MEMBER / TRS

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

Sri. M. Abhinay 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 sought 4 weeks' time for filing counter. Call on 11-08-2021.

Sd/-
MEMBER / TRS

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. Sakya Choudhuri 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 sought 4 weeks' time for filing counter. Time is Granted. Petitioner shall file rejoinder within 2 weeks thereafter. Call on 11-08-2021.

Sd/-

MEMBER / TRS

IA No. 1 of 2021 in OP No. 37 of 2020
Indian Railways Vs. APTRANSCO, APSPDCL & APEPDCL

Application filed by Respondent No. 1 / APTRANSCO under Clause 55 r/w 59 of APERC (Conduct of Business) Regulation No. 2 of 1999 for extension of time in OP No. 37 of 2020

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

Sri. Shiva Rao submitted that the works will be completed by 31/07/2021. Sri. Pulkit Agarwal requested that the TRANSCO /DISCOM be directed to submit a list of the substations where works are completed so that they can carry out the work at their end for availing Open Access. Sri. Shiva Rao undertook to furnish the completed list by the evening to the Petitioner's advocate. Call on 11-08-2021.

Sd/-

MEMBER / TRS

O.P.No.76 of 2019
M/s Axis Wind Farms (Anantapur) Pvt. Ltd., M/s Axis Wind Farms (Rayalaseema) Pvt. Ltd and M/s Axis Energy Ventures India Pvt. Ltd. Vs APSLDC, APTRANSCO, APSPDCL, Energy Department, GoAP, MNRE and SRLDC

Petition filed under Section 33(4) read with Section 86(1)(e), 86(1)(f), and 86(1)(i) of the Electricity Act, 2003, seeking various declaratory and substantive reliefs in respect of the arbitrary, illegal, and wrongful curtailment of generation from each of the first and second petitioners' 105 MW Wind Power Plants

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

Sri. Sri Raghu Ram submitted that they filed a Writ Petition 11461/2021 before the Hon'ble High Court of AP for similar relief and sought permission to withdraw this present petition with a liberty to approach the Commission in respect of matters that are not covered in the Writ Petition. Permitted to withdraw. OP is accordingly dismissed as withdrawn (vide separate order).

Sd/-
MEMBER / TRS

O.P.No.12 of 2020 & I.A.No.3 of 2020
M/s. Aarohi Solar Private Ltd.& 4 others Vs APSPDCL
Petition under Section 86 (1) (f) of the Electricity Act, 2003 for adjudication of disputes arising out of the Power Purchase Agreements dated 05-12-2014 entered by them with APSPDCL and seeking directions to the APSPDCL to act in accordance with terms of the PPA in connection with charges for drawl of power by their solar power generating stations for the auxiliary consumption.

I.A. No. 3 of 2020 filed u/s 94 (2) of the Electricity Act, 2003 sought for stay on the demand notices and invoices in connection with charges for drawl of power by the generating stations for their auxiliary consumption.

Ms. Molshree Bhatnagar, & Ms. Jyotsna Khatri learned counsel representing the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the respondent are present at the web hearing.

Ms. Molshree Bhatnagar submitted that they filed an Additional Affidavit in the matter on 29th June, 2021 before the Commission. The learned counsel sought to withdraw the same as some further developments that happened were to be brought on record, with permission to file a revised additional affidavit. Permission is accordingly granted.

She further submitted that they filed an IA seeking certain reliefs. As it is not yet numbered, the office will take steps to get it numbered and post along with main O.P.

Call on 11-08-2021.

Sd/-
MEMBER / TRS

O.P.No.14 of 2020

M/s. Vish Wind Infrastructure LLP Vs APTRANSCO & 2 others
Petition filed under Section 86 (1)(b), 86(1)(e) and 86(1)(f) of the Electricity Act, 2003, for specific performance of the Power Purchase Agreements dated 29-05-2010 and for a direction against the Respondents for the payments of the outstanding amounts

O.P.No.15 of 2020

M/s. Vish Wind Infrastructure LLP Vs APTRANSCO & 2 others
Petition filed under Section 86 (1)(b), 86(1)(e) and 86(1)(f) of the Electricity Act, 2003, for specific performance of the Power Purchase Agreements dated 29-05-2010 and for a direction against the Respondents for the payments of the outstanding amounts

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

Sri. Vishal Gupta submitted that the issue of waiver of late payment surcharge is still being discussed with the lenders and the conclusion is likely to take some time.

Hence he sought time. Accordingly adjourned to 01-09-2021.

Sd/-
MEMBER / TRS

O.P.No.27 of 2021 and I.A.No.1 of 2021

M/s. Mayura Steels Private Limited Vs APTRANSCO & APSPDCL

Petition under Section 86 (1)(a), 86(1)(b) and 86 (1) (e) of the EAct, 2003 for approval of generic tariff at Rs. 3.43/- per unit for sale of wind power to the AP DISCOMs, for PPA dated 22-04-2010 in the State of AP after expiry of the ten year period in terms of the Order dated 01-05-2009 passed by this Hon'ble Commission in O.P.Nos.6 & 7 of 2009

I.A.No.1 of 2021 - Application seeking 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.

O.P.No.28 of 2021 and I.A.No.1 of 2021
M/s. Happy Valley Developers Vs APTRANSCO & APSPDCL

Petition under Section 86 (1)(a), 86(1)(b) and 86 (1) (e) of the EAct, 2003 for approval of generic tariff at Rs. 3.43/- per unit for sale of wind power to the AP DISCOMs, for PPA dated 16-12-2010 in the State of AP after expiry of the ten year period in terms of the Order dated 01-05-2009 passed by this Hon'ble Commission in O.P.Nos.6 & 7 of 2009.

I.A.No.1 of 2021 - Application seeking 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.

O.P.No.29 of 2021 and I.A.No.1 of 2021
M/s. Canara Cement Pipes Vs APTRANSCO & APSPDCL

Petition under Section 86 (1)(a), 86(1)(b) and 86 (1) (e) of the EAct, 2003 for approval of generic tariff at Rs. 3.43/- per unit for sale of wind power to the AP DISCOMs, for PPA dated 19-04-2010 in the State of AP after expiry of the ten year period in terms of the Order dated 01-05-2009 passed by this Hon'ble Commission in O.P.Nos.6 & 7 of 2009.

I.A.No.1 of 2021 - Application seeking 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.

O.P.No.30 of 2021 and I.A.No.1 of 2021
M/s. Orange Sorting Machines (India) Private Limited Vs APTRANSCO & APSPDCL

Petition under Section 86 (1)(a), 86(1)(b) and 86 (1) (e) of the EAct, 2003 for approval of generic tariff at Rs. 3.43/- per unit for sale of wind power to the AP DISCOMs, for PPA dated 19-04-2010 in the State of AP after expiry of the ten year period in terms of the Order dated 01-05-2009 passed by this Hon'ble Commission in O.P.Nos.6 & 7 of 2009.

I.A.No.1 of 2021 - Application seeking 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.

O.P.No.31 of 2021 and I.A.No.1 of 2021
M/s. Megha Associates Vs APTRANSCO & APSPDCL

Petition under Section 86 (1)(a), 86(1)(b) and 86 (1) (e) of the EAct, 2003 for approval of generic tariff at Rs. 3.43/- per unit for sale of wind power to the AP DISCOMs, for PPA dated 24-03-2010 in the State of AP after expiry of the ten year period in terms of the Order dated 01-05-2009 passed by this Hon'ble Commission in O.P.Nos. 6 & 7 of 2009.

I.A.No.1 of 2021 - Application seeking 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

O.P.No.32 of 2021 and I.A.No.1 of 2021
M/s. Shilpa Medicare Limited Vs APTRANSCO & APSPDCL

Petition under Section 86 (1)(a), 86(1)(b) and 86 (1) (e) of the EAct, 2003 for approval of generic tariff at Rs. 3.43/- per unit for sale of wind power to the AP DISCOMs, for PPA dated 03-03-2010 in the State of AP after expiry of the ten year period in terms of the Order dated 01-05-2009 passed by this Hon'ble Commission in O.P.Nos.6 & 7 of 2009.

I.A.No.1 of 2021 - Application seeking 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.

O.P.No.33 of 2021 and I.A.No.1 of 2021
M/s. Nandi Roller Flour Mills Private Limited Vs APTRANSCO & APSPDCL

Petition under Section 86 (1)(a), 86(1)(b) and 86 (1) (e) of the EAct, 2003 for approval of generic tariff at Rs. 3.43/- per unit for sale of wind power to the AP DISCOMs, for PPA dated 20-04-2010 in the State of AP after expiry of the ten year period in terms of the Order dated 01-05-2009 passed by this Hon'ble Commission in O.P.Nos. 6 & 7 of 2009.

I.A.No.1 of 2021 - Application seeking 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.

O.P.No.34 of 2021 and I.A.No.1 of 2021
M/s. Protectron Electromech Private limited Vs APTRANSCO & APSPDCL

Petition under Section 86 (1)(a), 86(1)(b) and 86 (1) (e) of the EAct, 2003 for approval of generic tariff at Rs. 3.43/- per unit for sale of wind power to the AP DISCOMs, for PPA dated 22-04-2010 in the State of AP after expiry of the ten year period in terms of the Order dated 01-05-2009 passed by this Hon'ble Commission in O.P.Nos. 6 & 7 of 2009.

I.A.No.1 of 2021 - Application seeking 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. Purushotham Reddy, learned counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the respondents are present at the web hearing.

Sri. Shiva Rao submitted that they filed counters in all these matters. Sri. Purushottam Reddy sought time for filing rejoinders. Call on 25-08-2021.

Sd/-
MEMBER / TRS

O.P.No.29 of 2020

M/s. Vaayu (INDIA) Power Corporation Limited

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

Sri. Sajan Poovayya submitted that he filed a rejoinder. Call on 18-08-2021 for hearing.

Sd/-
MEMBER / TRS

O.P.No. 49 of 2020

M/s. Vish Wind Infrastructure LLP

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

Sri. Sajan Poovayya submitted that he filed a rejoinder. Call on 18-08-2021 for hearing.

Sd/-
MEMBER / TRS

OP No. 40 of 2021

M/s. Compucom Software Ltd., Vs. APSPDCL

Petition under Section 86 (1) (f) of the EAct, 2003 r/w APERC (Conduct of Business) Regulations, 1999 seeking direction to the Respondent for releasing payment against the outstanding monthly invoices towards sale of wind energy along with the interest/delayed payment surcharge on such delayed payments as per Articles 2.2 and 5.2 of the petitioner's PPA dated 22-04-2010

Sri Phanindra, representing 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. Phanindra requested for time for filing rejoinder. Granted. Call on 18-08-2021.

Sd/-
MEMBER / TRS

OP No. 77 of 2021 and IA Nos 1 & 2 of 2021

M/s. ITC Ltd., Vs. APSLDC & APSPDCL

Petition u/s 86 (1) (f), 86 (1) (h), 86 (1) (e), 86 (1) (k), 32, 33 of the Electricity Act, 2003, Clause 8 of APERC Regulation No. 4 of 2017 and the inherent Regulatory Power and Jurisdiction of the Commission under the Electricity Act and the Regulations thereunder

IA No. 1 of 2021 - Application u/s 94 (2) of the Electricity Act, 2003 for Interim Stay and Direction

IA No. 2 of 2021 - Application for urgent listing and hearing of Application for interim stay and direction

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

IA No. 2 of 2021 filed for urgent hearing is allowed.

IA No. 1 of 2021 is filed seeking stay of collection of deviation charges by the DISCOM. Both sides submitted that they prayer to press the issues raised due to lack of quorum in the Commission. The Petitioner agreed to pay by the end of day today Rs. 1,91,00,340/- towards deviation charges, subject to the further orders of the Commission. Sri Shiva Rao agreed to get instructions issued to allow Open Access from tomorrow i.e., 01/07/2021 to the Petitioners on receipt of payment. Since the matter requires to be heard urgently, it will be heard by the Commission on 6th July, 2021.

Sd/-
MEMBER / TRS