

**Record of Proceedings dated 30-12-2020**

O.P.No.18 of 2020; I.A.No.42 of 2020; I.A.No.43 of 2020

M/s. Khandaleru Power Company Ltd Vs 1) CMD/APSPDCL 2) CE/IPC, PP&S/ APSPDCL 3) GM/OPC/PP&S/APPCC 4) SE/Opt Circle/ APSPDCL, Nellore  
Petition under Section 86 (1) (f) of the Electricity Act, 2003 r/w APERC (Conduct of Business) Regulation, 1999, seeking adoption of tariff discovered through competitive bidding for procurement of 6 MW capacity power from the petitioner's Mini Hydel Project at Khandaleru Reservoir, Khandaleru, Nellore District in terms of the PPA dated 16-02-2019

I.A.No.42 of 2020 - Application filed by the petitioner u/s 142 of the EA, 2003 r/w Regulations 55 of the APERC (Conduct of Business) Regulation, 1999 for violating and disobeying the orders passed by the Commission dt.17-03-2020 and 26-08-2020 in I.A.No.4 of 2020 in O.P.No.18 of 2020

I.A.No.43 of 2020 - Application under Regulation 56 r/w Section 55 f APERC (Conduct of Business) Regulations, 1999 seeking amendment of prayer V (a) to the reliefs sought in O.P.No.18 of 2020

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.

**I.A.No.43 of 2020:**

This application is filed for amendment of prayer by substituting the following prayer for the original prayer:

“Approve the PPA dated:- 16.02.2019 entered between 1st respondent and the petitioner with tariff of Rs. 3.73 per unit in terms of section 86 (1) (b) r/w section 62 Electricity Act, 2003, which has been granted in principle approval by this Hon'ble Commission vide letter dt:- 30.05.2018 and direct the respondent to act upon the same”.

Sri P. Shiva Rao, learned Standing Counsel for the respondents submitted that his clients have no objection for allowing the amendment as prayed for in this

application, however with liberty to the respondents to file an additional counter to meet the amended prayer. This application is accordingly allowed as prayed for. The petitioner shall file an amended petition within two weeks. Additional counter, if any, to be filed within two weeks. This I.A. is accordingly disposed of.

**I.A.No.42 of 2020:**

Sri P. Shiva Rao, learned Standing Counsel for the respondents requested for further time for filing counter. Call on 07-04-2021.

Sd/-  
MEMBER / TRS

Sd/-  
CHAIRMAN

O.P.No.40 of 2020  
Victory Power Systems Pvt Ltd Vs APSPDCL

Petition u/s 86 (1) (f) r/w Sections 86 (1) (b) and 86 (1) (e) of the Electricity Act, 2003 for adjudication of the dispute relating to the purchase of mini hydel power by APSPDCL from Victory Power Systems Pvt Ltd in terms of the PPA dt.16-02-2019 and for approval thereof.

Sri Challa Gunaranjan, learned counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the respondent are present at the web hearing.

Call along with O.P.No.18 of 2020 on 07-04-2021.

Sd/-  
MEMBER / TRS

Sd/-  
CHAIRMAN

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. Jyotsna Khatri, learned counsel for the petitioners and Sri P. Shiva Rao, learned

Standing Counsel for the respondent are present at the web hearing.

At the request of the learned counsel for the petitioner, call on 24-03-2021.

Sd/-  
MEMBER / TRS

Sd/-  
CHAIRMAN

O.P.No.18 of 2019

M/s. Satya Maharshi Power Corporation Limited Vs APTRANSCO & 6 others  
Petition under Section 86 (1) (f) of the Electricity Act, 2003 seeking directions to the 2nd Respondent to pay the fixed costs of Rs.54,25,085/- on deemed generation at Rs.1.37/- per unit from 09-06-2017 to 18-07-2017 at 80% PLF and damages incurred during the period of stoppage to the applicant company with interest at 18%

O.P.No.19 of 2019

M/s. SLS Power Limited Vs APTRANSCO & 6 others  
Petition under Section 86 (1) (f) of the Electricity Act, 2003 seeking directions to the 2nd Respondent to pay the fixed costs of Rs.54,25,085/- on deemed generation at Rs.1.37/- per unit from 09-06-2017 to 18-07-2017 at 80% PLF and damages incurred during the period of stoppage to the applicant company with interest at 18%

O.P.No.20 of 2019

M/s. Sree Venkata Sreedevi Power LLP Vs APTRANSCO & 6 others  
Petition under Section 86 (1) (f) of the Electricity Act, 2003 seeking directions to the 2nd Respondent to pay the fixed costs of Rs.54,25,085/- on deemed generation at Rs.1.37/- per unit from 09-06-2017 to 18-07-2017 at 80% PLF and damages incurred during the period of stoppage to the applicant company with interest at 18%

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

These O.Ps. were called in their turn and also at the end of the list. On both the occasions, no one represented the petitioners. Hence, these O.Ps. are adjourned. Call on 24-03-2021.

Sd/-  
MEMBER / TRS

Sd/-  
CHAIRMAN

O.P.No.1 of 2020

M/s.Vaayu (India) Power Corporation Limited Vs APTRANSCO, APPCC &  
APSPDCL

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

General Manager/IPC & RAC, APCPDCL filed a sworn affidavit dated 11-12-2020  
wherein he has *inter alia* stated that in view of the acute financial problems faced by  
the respondents, they would be able to pay 50% of the arrears up to November,  
2020 by the end of January, 2021 and the remaining 50% by the end of February,  
2021. Sri Anil Dutt, learned counsel for the petitioner submitted that by the time the  
respondent clears the arrears, December, 2020, January, 2021 payments also will  
fall due and that if the respondents include the said payments also in the instalments  
offered to be paid by the respondents, the petitioner would waive the Late Payment  
Surcharge. Sri P. Shiva Rao accepted this offer and agreed on behalf of the  
respondents that while paying the arrears in two instalments as stated in the  
affidavit, they will include December, 2020 and January, 2021 payments also to avail  
the offer of waiver of Late Payment Surcharge. Call on 24-03-2021 for reporting  
compliance.

Sd/-  
MEMBER / TRS

Sd/-  
CHAIRMAN

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

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.

At the request of Sri Anil Dutt, learned counsel for the petitioner, call along with O.P.No.1 of 2020 on 24-03-2021.

Sd/-  
MEMBER / TRS

Sd/-  
CHAIRMAN

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 Anil Dutt, 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 Anil Dutt, learned counsel for the petitioner, call along with O.P.No.1 of 2020 on 24-03-2021.

Sd/-  
MEMBER / TRS

Sd/-  
CHAIRMAN