

RECORD OF PROCEEDINGS DATED 01-02-2023

**RP No.8 of 2022 in OP No. 21 of 2015 AND OP No. 19 of 2016
Hinduja National Power Corporation Limited Vs. APEPDCL and Others**

Review petition filed under Section 94(1)(f) read with Order 47 Rule 1 of the Code of Civil Procedure, 1908 and Regulation 49 of the Andhra Pradesh Electricity Regulatory Commission (Conduct of Business) Regulations, 1999 for review of common order dated 01.08.2022 passed in Petition O.P. No. 21 of 2015 and O.P. No. 19 of 2016.

Sri P.Ravi Charan, learned counsel for the Petitioner, and Sri P.Shiva Rao, learned Standing Counsel for the respondents, are present at the hearing.

Further time for filing counter is requested by Sri P.Shiva Rao, learned Standing Counsel for the respondents. Four weeks' time is, accordingly, granted.

Call on 12-4-2023.

Sd/-
MEMBER/TRS

Sd/-
CHAIRMAN

Sd/-
MEMBER/PRR

**OP No. 33 of 2022
CMD/APTRANSCO & CGM/Commercial/APTRANSCO(iii)
Vs.**

M/s Bharath Wind Farms Ltd. & others

This petition is filed against the non-conventional energy developers, such as wind, biomass, bagasse, mini hydel etc., who 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; Mrs.V.Shivani Dandugula, counsel representing Sri Sricharan Telaprolu, learned counsel for Respondent No.8; Sri P.V.Nishanth, counsel representing Sri K.Gopal Chaudhary, learned counsel for respondents 8 and 18 and also representing Challa Gunranjan, learned counsel for Respondents 9 & 10; Smt Harini Subramani, learned counsel for respondents 1 and 12; Mrs. B.Poojitha, learned counsel representing respondent No.17, and Smt. G.Malati, learned counsel for respondent No.11, are present at the hearing.

Counters are filed by the petitioners in the I.As filed by the respondents. Sri P.V.Nishanth, counsel representing Sri K.Gopal Chowdary, learned counsel for respondents 8 and 18, requested time for filing reply. Time is, accordingly, granted.

Call on 15-3-2023.

Sd/-
Member/TRS

Sd/-
Chairman

Sd/-
Member/PRR

OP No. 60 of 2022

M/s. Nava Limited Vs. APEPDCL & APPCC

(Petition filed U/Sec. 86(1)(f) R/w. Sec. 86 (1)(e) of the Electricity Act, 2003 R/w. APERC (Conduct of Business) Regulations, 1999 seeking a direction to the respondents for releasing payment against the outstanding monthly invoices for the period between 22-01-2019 to 01-04-2020, towards sale of energy from monthly invoices along with interest @10% per annum on delayed payment as per Articles 2.2 and 5.2 of the PPA dated 06-05-2006 and the amendment PPA dated 12-02-2007).

Sri P.V.Nishanth, counsel representing Sri Challa Gunaranjan, learned counsel for the Petitioner and Sri P.Shiva Rao, learned standing counsel for the respondents, are present at the hearing.

OP disposed of, vide separate order.

Sd/-
Member/TRS

Sd/-
Chairman

Sd/-
Member/PRR

OP No. 61 of 2022

M/s. Balaji Energy Pvt Ltd. Vs. APSPDCL, APTRANSCO & CE, APSLDC

(Petition filed U/Sec. 86(1)(f) r/w 86(1)(k) of the Electricity Act 2003, read with Clause-55 of the APERC (Conduct of Business Regulations) 1999 seeking for a direction to allow deemed banking units for 2 x 1.5 MW (NLR 888))

OP No. 62 of 2022

M/s. Balaji Energy Pvt Ltd., Vs. APSPDCL, APTRANSCO & CE, APSLDC

Petition filed U/Sec. 86(1)(f) r/w 86(1)(k) of the Electricity Act, 2003 read with Clause-55 of APERC (Conduct of Business Regulations) 1999, seeking for a direction to allow deemed banking units for 2 x 4 MW(NLR 891)

OP No. 63 of 2022

M/s. Balaji Energy Pvt Ltd., Vs. APSPDCL & APPCC

(Petition filed U/Sec. 86 (1)(f) R/w 86(1)(k) of the Electricity Act, 2003 seeking a direction for reimbursement of Income Tax of Rs.13,10,34,791/- and interest @ 12% quarterly rest amounting to Rs.2,57,70,920/- for the periods from FY 2017-18, FY 2019-20 to FY 2021-22 paid by the Petitioner towards Income Tax which is pass through as per Hon'ble Commission Tariff Orders)

Sri S.Ravi, learned Senior Counsel for the Petitioner, and Sri P.Shiva Rao, learned Standing Counsel for the respondents, are present at the hearing.

At the request of Sri P.Shiva Rao, learned standing counsel for the respondents, call on 01-3-2023.

Sd/-
Member/TRS

Sd/-
Chairman

Sd/-
Member/PRR

OP No. 64 of 2022

M/s.APEPDCL & M/s.APSPDCL Vs. M/s. Spectrum Power Generation Ltd.,

(Petition filed U/Sec 86(1)(f) of the Electricity Act 2003 read with Clause-55 of APERC (Conduct of Business Regulation), 1999 to determine the Tariff for procurement of power from M/s Spectrum Power Generation Limited, 208 MW Combined Cycle Gas based Power Project during the period FY 2016-17).

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

Counter is filed by the respondent. At the request of Sri P.Shiva Rao, learned Standing Counsel for the petitioner, call on 15-3-2023 for filing rejoinder.

Sd/-
Member/TRS

Sd/-
Chairman

Sd/-
Member/PRR

OP No. 53 of 2022

M/s. Bharat Heavy Electrical Limited Vs. APTRANSCO & others

(Petition filed U/Sec 86(1)(f) of the Electricity Act, 2003 to direct the Respondents to pay sum of Rs. 1,95,75,929/- (Rupees One Crore, Ninety Five Lakhs, Seventy Five Thousands, Nine hundred and Twenty Nine only) together with interest at 10% Per Annum towards the cost of the energy supplied to the respondents

Smt G.Malathi, learned counsel for the Petitioner and Sri P.Shiva Rao, learned Standing Counsel for the respondents, are present at the hearing.

Counter is filed by the respondents. At the request of Smt G.Malathi, learned counsel for the Petitioner, call on 15-3-2023 for filing rejoinder.

Sd/-
Member/TRS

Sd/-
Chairman

Sd/-
Member/PRR

OP No. 64 of 2021

M/s. Khandke Wind Energy Pvt Ltd Vs.APSPDCL

(Petition filed 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 the amounts due)

&

OP No. 3 of 2022 & IA No 1 of 2022

New Era Enviro Venture (Mahabubnagar) Pvt. Ltd. Vs. APSPDCL

(Petition filed under Section 86(1)(e) & (f) of the Electricity Act, 2003 R/w. Regulation 55 of the APERC (Conduct of Business) Regulations, 1999 seeking directions to the Respondent, among other things, for payment of the outstanding dues and Late Payment Interest).

IA No. 1 of 2022 - Application filed under Section 94(1)(2) of the Electricity Act, 2003 R/w. Regulation 55 of the APERC (Conduct of Business) Regulations, 1999 seeking a direction to the Respondent to release at least 50% of the total outstanding amount.

Sri V.Akshaya Babu, learned counsel for the petitioners; and Sri P. Shiva Rao, learned Standing Counsel for respondents, are present at the hearing.

The CMD incharge of APSPDCL and JMD of APPCC are personally present. They have informed the Commission that they have complied with the Commission's order dated 16-3-2022.

Sri P.Shiva Rao, learned Standing Counsel representing the said two officers, have presented a copy of the statement, from which Sri V.Akshaya Babu, learned counsel for the petitioners, pointed out that, even according to their own statement, there were short payments.

Sri P.Shiva Rao, the learned Standing Counsel, however, submitted that there is a mistake in preparing the statement and that he will file a revised statement to substantiate the plea of the respondents that they have complied with the orders of this Commission by making payments as per the said orders.

Sri V.Akshaya Babu, learned counsel for the petitioners, also requested time for instructions in this regard.

The OPs are, accordingly, adjourned to 01-3-2023.

The presence of the CMD incharge of APSPDCL and JMD of APPCC is dispensed with until further orders.

Sd/-
Member/TRS

Sd/-
Chairman

Sd/-
Member/PRR

OP No. 86 of 2021 & IA No. 1 of 2021

M/s. Sarda Metals & Alloys Ltd., Vs. APEPDCL

(Petition filed u/s 86 (1) (f) of the Electricity Act, 2003 challenging the levy & collection of overinjection charges and seeking a direction to the respondent to pay an amount of Rs.2,90,81,340/- towards the power (10769675 KWH) injected by the petitioner during the period of 03.02.2013 to 28.02.2021).

(IA No. 1 of 2021 is filed to direct the respondent not to insist the petitioner for an undertaking in future for not claiming over injection charges)

Sri. Kaushik Sony, counsel representing Sri P.Vikram, learned counsel for the petitioner; and Sri P. Shiva Rao, learned Standing Counsel for the respondent are present at the hearing.

Further adjournment is sought for arguing the case. Call on 26-4-2023.

Sd/-
Member/TRS

Sd/-
Chairman

Sd/-
Member/PRR

OP No. 59 of 2021

APEPDCL & two others Vs. GVK Industries Ltd & three others

(Petition u/s 86(1)(f) of the Electricity Act, 2003 r/w Clause 55 of APERC (Conduct of Business) Regulations 1999 in the matter of Buy-out of GVK Stage-I project by APDISCOMs- non-execution of registered sale deed transferring the entire land together with assets of GVK Phase-I in favour of APDISCOMs)

Sri P. Shiva Rao, learned Standing Counsel for the petitioners; Mrs. Anjali Nanghnani, counsel representing Smt.Rubaina Khatoon, learned counsel for the respondent Nos.2 to 4; and Sri Sachin Sharma, counsel representing Sri Y.Suryanarayana, learned counsel for the Official Liquidator, are present at the hearing.

Sri Sachin Sarma, learned counsel representing Sri Y.Suryanarayana, submitted that respondent No.1 has been ordered to be liquidated and that a Liquidator has been appointed in the place of Insolvency Resolution Professional-respondent No.5. He further submitted that he is instructed to appear on behalf of the Liquidator. He made a

further request for an adjournment for filing NCLT order, vakalat and other documents, if any,

Call on 26-4-2023.

Sd/-
Member/TRS

Sd/-
Chairman

Sd/-
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. Kaushik Sony, counsel representing Sri P.Vikram, learned counsel for the petitioner; and Sri P. Shiva Rao, learned Standing Counsel for the respondent, are present at the hearing.

Further adjournment is sought for arguing the case. Call on 26-4-2023.

Sd/-
Member/TRS

Sd/-
Chairman

Sd/-
Member/PRR

OP No. 39 of 2022

M/s. Danu Wind Parks Pvt. Ltd., Vs. (i) CMD/APSPDCL, (ii) APPCC

(iii) CGM/P&MM&IPC/APSPDCL and (iv) Chairman/ APPCC/APTRANSCO

(Petition filed u/s 86(1)(f) and (e) of the Electricity Act, 2003, read with Regulation 8 of the APERC (Conduct of Business) Regulations, 1999, as amended, read with Article 5 of the PPA dated 17-07-2017 entered into between the petitioner and APSPDCL, seeking directions to APSPDCL for expeditiously releasing the payments of the amounts due and payable to the petitioner by APSPDCL under the PPA)

Ms.Ishwarya Moguluru, counsel representing Sri Vivek Chandra Sekhar, learned counsel for the petitioner; and Sri P. Shiva Rao, learned Standing Counsel for respondents, are present at the hearing.

Sri P.Shiva Rao, learned Standing Counsel for respondents, requested for a short adjournment for making his submissions.

Call on 15-3-2023.

Sd/-
Member/TRS

Sd/-
Chairman

Sd/-
Member/PRR

O.P.No.53 of 2019
APPDCL Vs APSPDCL & APEPDCL

(Petition filed u/s 62 of the Electricity Act, 2003 for determination of tariff for the control period 2019-2024 for the electricity supplied by APPDCL from Sri Damodaram Sanjeevaiah Thermal Power Station to the Distribution Licensees in Andhra Pradesh)

Sri P.V.Nishanth, counsel representing Sri K.Gopal Chowdary, learned counsel for the petitioner; and Sri P. Shiva Rao, learned Standing Counsel for respondents, are present at the hearing.

The subject matter of this OP relates to fixation of generation tariff for the control period 2019-2024. In the aftermath of settlement of certain issues arising in RP No.2 of 2019 in OP No.47 of 2017, when a query has fallen from the Commission as to why both the parties, which are the State undertakings, not settle the issues arising in this OP as well, Sri P.Shiva Rao, learned Standing Counsel for the respondents, submitted that he will appropriately suggest to the parties to make efforts for arriving at mutually agreed settlement in terms of the extant regulations. For this purpose, he requested for an adjournment.

Call on 26-4-2023.

Sd/-
Member/TRS

Sd/-
Chairman

Sd/-
Member/PRR