

Record of Proceedings Dated 01-03-2023

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)

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

Rejoinder is filed. Post these cases for hearing on 03-5-2023.

Sd/-
Member/TRS

Sd/-
Chairman

Sd/-
Member/PRR

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

Rejoinder is filed. Post this case for hearing on 03-5-2023.

Sd/-
Member/TRS

Sd/-
Chairman

Sd/-
Member/PRR

OP No. 22 of 2022

Vayu Urja Bharat Pvt Ltd., Vs. APSPDCL

(Petition filed under section 86(1)(f) of the Electricity Act, 2003 read with applicable provisions of the Power Purchase Agreement dated 28-07-2016 and this Hon'ble Commission's Judgement dated 31-08-2019 in OP No. 35 of 2019, *inter alia* seeking a direction to the Respondent for payment of the outstanding late payment surcharge accrued pursuant to the consistent delayed payment of the invoices from March, 2107 till October 2020)

OP No. 4 of 2022

M/s. Aeolus Wind Parks Pvt. Ltd Vs. APSPDCL & APPCC

OP No. 5 of 2022

M/s. Danu Wind Parks Pvt Ltd Vs. APSPDCL & APPCC

OP No. 6 of 2022

M/s. Danu Wind Parks Pvt Ltd Vs. APSPDCL & APPCC

OP No. 7 of 2022

M/s. Dindore Wind Parks Pvt Ltd Vs. APSPDCL & APPCC

OP No. 8 of 2022

M/s. Fujin Wind Parks Pvt Ltd Vs. APSPDCL & APPCC

(Petitions filed under Section 86(1)(f) and (e) of the Electricity Act, 2003 r/w. Regulation 8 of the Andhra Pradesh Electricity Regulatory Commission (Conduct of Business) Regulations, 1999 seeking a direction to the APSPDCL for expeditious release of the outstanding amounts due and Late Payment Surcharges (LPS) to the petitioners).

Sri Aniket Prasoon, learned counsel for the petitioner in O.P No.22 of 2022 & Sri S.Vivek Chandrasekhar, learned counsel for the petitioners in OP No. 4, 5, 6, 7 & 8 of 2022; and Sri Shreyas Reddy, learned Government Pleader attached to the office of the learned Advocate General, and Sri P.Shiva Rao, learned Standing Counsel for the respondents, are present at the hearing.

We have partly heard Sri Aniket Prasoon, learned counsel for the petitioner in O.P No.22 of 2022; and Sri S.Vivek Chandrasekhar, learned counsel for the petitioners in OP No. 4, 5, 6, 7 & 8 of 2022.

During the hearing, the Commission has pointed out as to whether any negotiations for an out of court settlement were held, as proposed by the learned Advocate General during the previous hearing, the learned counsel for both the parties

replied that no meaningful negotiations could be held. At this stage, Sri Shreyas Reddy, learned Government Pleader attached to the office of the learned Advocate General, submitted that the DISCOMs/APPCC will extend formal invitation to the petitioners herein for negotiations. Sri Aniket Prasoon and Sri Vivek Chandra Sekhar, learned counsel for the petitioners, submitted that they will advise their respective clients to participate in the negotiations and report the result thereof on the next date of hearing. The Commission is also of the view that in the interest of both the parties it is necessary to reach an out of court settlement.

Accordingly, all the cases are adjourned to 19-4-2023.

Sd/-
Member/TRS

Sd/-
Chairman

Sd/-
Member/PRR

OP No. 12 of 2022

M/s. Palnadu Solar Power Pvt Ltd Vs. APCPDCL & APPCC

(Petition filed under Section 86(1)(f) r/w. Section 86(1)(e) of the Electricity Act, 2003, r/w.Regulation 8 of the Andhra Pradesh Electricity Regulatory Commission (Conduct of Business) Regulations, 1999 seeking a direction to the Respondents for release of payment against the outstanding amounts along with interest on delayed payment of invoices towards sale of Solar Power as per the PPA).

OP No. 89 of 2021

M/s. Mytrah Vayu (Pennar) Private Limited Vs. APSPDCL & APPCC

(Petition filed under Section 86(1)(f) of the Electricity Act, 2003, R/w. APERC (Conduct of Business) Regulations, 1999 seeking a direction to the respondents for release of payment against the outstanding monthly invoices towards sale of wind energy along with interest/delayed payment surcharge as per Articles 2.2 and 5.2 of the Power Purchase Agreement dated 27.04.2012).

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 amount 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).

OP No. 30 of 2020

M/s Tadas Wind Energy Pvt Ltd., Vs APSPDCL

(Petition filed under Section 86(1)(b), Section 86(1)e) and Section 86 (1)(f) of the Electricity Act, 2003 filed on behalf of M/s. Tadas Wind Energy Private Limited for immediate strict compliance by Southern Power Distribution Company of Andhra Pradesh Limited with the provisions of the various Power Purchase Agreements entered into between the parties and release of Amount Due.

None appeared for the petitioners in OP Nos.12 of 2022 and 89 of 2021. Sri Raghavendra Sudheer, General Manager(Legal), representing Sri V.Akshaya Babu, learned counsel for the Petitioners in OP No.64 of 2021, OP No. 3 of 2022 and OP No.30 of 2020; Sri Shreyas Reddy, learned Government Pleader attached to the office of the learned Advocate General, and Sri P.Shiva Rao, learned Standing Counsel for the respondents, are present at the hearing.

Sri P.Shiva Rao, learned Standing Counsel for the respondents, submitted that these OPs., are also similar to OP No.22 of 2022 and batch and that the respondents will invite the petitioners in these OPs also for negotiations.

Call on 19-4-2023.

Sd/-
Member/TRS

Sd/-
Chairman

Sd/-
Member/PRR

OP No. 31 of 2019

M/s GT Azure Power Infrastructure Pvt Ltd., Vs. APSPDCL

(Petition filed u/s 86(1)(a) (b) & (f) of the Electricity Act, 2003 read with APERC (Conduct of Business) Regulations, 1999 seeking the relief on account of a "Change of Law")

Sri Vishal Binod, learned Counsel for the Petitioner, and Sri P.Shiva Rao, learned Standing Counsel for the respondent, are present at the hearing.

Sri Vishal Binod, learned Counsel for the Petitioner, submitted that after the present OP was adjourned *sine die*, the CERC has decided a similar issue in Param

Pujya Solar Energy Private Limited and others; and that the said matter was carried in appeal before the Honourable Supreme Court. He further submitted that the Honourable Supreme Court, while granting leave, permitted the CERC to make appropriate calculations with the direction that the same shall not be enforced pending further orders. Since the decision of the CERC is the subject matter before the Honourable Supreme Court, we find it appropriate to defer the hearing of this OP till the disposal of the Civil Appeal by the Honourable Supreme Court.

Accordingly, the OP is adjourned *sine die*. However, it is open to the petitioner for filing an application for hearing of this OP, after disposal of the Civil Appeal by the Honourable Supreme Court.

Sd/-
Member/TRS

Sd/-
Chairman

Sd/-
Member/PRR