

RECORD OF PROCEEDINGS DATED 14-12-2022

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

Sri Brahmananda Rao, learned counsel representing the respondents, requested time for filing Counter. Four weeks time is, accordingly, granted.

Call on 01-02-2023 .

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 APERC conduct of Business Regulations, seeking for a direction to allow deemed banking units for 2 x 1.5 MW (NLR 888))

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

Sri Brahmananda Rao, learned counsel representing the respondents, requested time for filing Counter. Four weeks time is, accordingly, granted.

Call on 01-02-2023 .

Sd/-
Member/TRS

Sd/-
Chairman

Sd/-
Member/PRR

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, seeking for a direction to allow deemed banking units for 2 x 4 MW(NLR 891)

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

Sri Brahmananda Rao, learned counsel representing the respondents, requested time for filing Counter. Four weeks time is, accordingly, granted.

Call on 01-02-2023 .

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 G.V.Brahmananda Rao, counsel representing Sri P.Shiva Rao, learned Standing Counsel for the respondents, are present at the hearing.

Sri Brahmananda Rao, learned counsel representing the respondents, requested time for filing Counter. Four weeks time is, accordingly, granted.

Call on 01-02-2023 .

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, to determine 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 G.V.Brahmananda Rao, counsel representing Sri P.Shiva Rao, learned Standing Counsel for the Petitioners and Sri M.Naga Deepak, learned counsel for the respondent, are present at the hearing.

Sri M.Naga Deepak, learned counsel for the respondent, requested time for filing Counter. Four weeks time is, accordingly, granted.

Call on 01-02-2023 .

Sd/-
Member/TRS

Sd/-
Chairman

Sd/-
Member/PRR

OP No. 56 of 2022 & IA No. 1 of 022

M/s Ramson Asbestos Cement Products Vs. APTRANSCO & APSPDCL

Petition filed under the Sections 86(1)(a), 86(1)(b) and 86(1)(e) of the Electricity Act, 2003, for approval of generic tariff at Rs.3.43/- per unit for sale of wind power to the A.P. DISCOMS, for PPA dt.31-01-2012 in the state of Andhra Pradesh, 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 and 7 of 2009

I.A Petition filed under the Sections 86(1)(a), 86(1)(b) and 86(1)(e) of the Electricity Act, 2003, for approval of generic tariff at Rs.3.43 ps per unit for sale of wind power to the A.P. DISCOMS for PPA dt.31-01-2012 in the state of Andhra Pradesh, 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 and 7 of 2009

Sri. A.P. Reddy, learned counsel for the petitioner and Sri G.V.Brahmananda Rao, counsel representing Sri P.Shiva Rao, learned Standing Counsel for the respondents, are present at the hearing.

Proof of publication is filed. No objections have been received. Counter is filed by the respondents.

During the hearing, it is agreed among the counsel that the issues raised in this OP are identical to those raised in a batch of petitions, which were already heard

and orders reserved.

In view of the same, Order in this OP is also reserved.

Sd/-
Member/TRS

Sd/-
Chairman

Sd/-
Member/PRR

OP No. 18 of 2022
Vayu Urja Bharat Pvt Ltd., Vs. APSPDCL

Petition filed under Section 86(1)(f) read with Section 86(1)(e) of the Electricity Act, 2003 and Article 10 of the Power Purchase Agreement dated 28.07.2016 inter-alia seeking a direction to the Respondent for forthwith release payments against the outstanding invoices towards sale of wind energy since November 2020 till November 2021 along with the interest / delayed payment surcharge on such delayed payments as per the PPA.

Sri Aniket Prasoon, learned counsel for the Petitioner and Sri G.V.Brahmananda Rao, counsel representing Sri P.Shiva Rao, learned Standing Counsel for the respondent, are present at the hearing.

A Memo is filed on behalf of the respondent giving the details of payments made.

Sri Anikeet Prasoon, learned counsel for the petitioner, however, submitted that the respondent has been effecting certain deductions even from the principal amounts payable to the petitioner and the respondent may be directed to furnish information regarding the those deductions to enable the petitioner to know whether those deductions are proper or not.

In the light of the above submission, the respondent is directed to submit the details of the deductions made from the bills being paid by them to the petitioner within four weeks from today.

Call on 15-02-2023.

Sd/-
Member/TRS

Sd/-
Chairman

Sd/-
Member/PRR

OP No. 113 of 2021
Vayu (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 seeking specific performance of the Power Purchase Agreement dated 29-05-2010 and for a direction against the respondents to make payments of the outstanding amounts)

Sri Aniket Prasoon, counsel appearing for Sri Kailash Nath P.S.S, learned counsel for the petitioner and Sri G.V.Brahmananda Rao, counsel representing Sri P.Shiva Rao, learned Standing Counsel for the respondents, are present at the hearing.

A memo is filed on behalf of the respondents showing the payments made from 12-10-2022, the date on which the last of the orders was passed by this Commission, till 11-12-2022.

Sri Aniket Prasoon, learned counsel for the petitioner, submitted that monthly payments beyond April, 2022 have not been made. He further submitted that the respondents have withheld certain amounts from the bills payable to the petitioner and that his client may be permitted to file an affidavit to this effect. Permission is, accordingly, granted.

Call on 15-2-2023.

Sd/-
Member/TRS

Sd/-
Chairman

Sd/-
Member/PRR

**O.P. No.12 of 2020
and
IA No. 3 of 2020 & IA No. 1 of 2021
M/s. Aarohi Solar Private Ltd. and four others Vs. APSPDCL**

Petition filed under Section 86 (1) (f) of the Electricity Act, 2003 for adjudication of the 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 the terms of the PPA in connection with charges for drawal of power by their solar power generating stations for the auxiliary consumption.

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

IA No. 1 of 2021 is filed by the petitioner u/s 94 (2) of the Electricity Act, 2003 seeking appropriate orders against the respondent directing not to initiate any coercive or precipitative actions against the applicants, till the final disposal of the present petition.

Sri Aniket Prasoon, learned counsel for the Petitioners and Sri G.V.Brahmananda Rao, counsel representing Sri P.Shiva Rao, learned standing counsel for the respondent, are present at the hearing.

Sri Brahmananda Rao, learned counsel representing the respondent, submitted that Sri P.Shiva Rao, learned Standing Counsel for the respondent is not well. He, therefore, requested for an adjournment.

Call on 15-02-2023.

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 Sections 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).

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 releasing payment of the outstanding amounts along with interest on delayed payment of invoices towards sale of Solar Power as per the PPA.

AND

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 releasing 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.

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; Sri Depak Chowdary, learned counsel for the petitioners in OP Nos.12 of 2022 and 89 of 2021; Sri Shreyas Reddy, learned Special Government Pleader attached to the office of the learned Advocate General; and Sri G.V.Brahmananda Rao, counsel representing Sri P.Shiva Rao, learned Standing Counsel for the respondents, are present at the hearing.

Sri Shreyas Reddy, learned Special Government Pleader, submitted that the learned Advocate General is unable to attend today's hearing due to some inconvenience. He submitted that these cases may be adjourned to 01-3-2023, on which date if the learned Advocate General is not able to attend the hearing, he would make his submissions on his behalf.

Accordingly, call all these matters on 01-3-2023.

Sd/-
Member/TRS

Sd/-
Chairman

Sd/-
Member/PRR

**Anakapalle RESCO
(Suo motu Proceedings)**

Sri V.V.N.Narayana Rao, learned counsel for respondents 1 and 2, is present along with respondent No.2-Sri M.V.Ramakrishnam Raju, Managing Director of respondent No.1. Sri G.V.Brahmananda Rao, counsel representing Sri P.Shiva Rao, learned Standing Counsel for the respondent No.3, are present at the hearing.

As this case requires further hearing, call on 22-2-2023, on which date the Managing Director of respondent No.1 shall be personally present.

Sd/-
Member/TRS

Sd/-
Chairman

Sd/-
Member/PRR