

Record of Proceedings Dated 15-02-2023

**OP No. 2 of 2023
M/s. Rain CII Carbon (Vizag) Limited Vs. APEPDCL**

(Petition filed under Section 86(1)(f) of the Electricity Act, 2003 R/W APERC (Conduct of Business) Regulations, 1999 to declare the action of the respondent-APEPDCL in levying Grid Support Charges on the Petitioner (a non-Captive Generation Power Plant) as illegal, arbitrary and against the Laws in force, and, consequently, direct that the Petitioner is not liable to pay the Grid Support Charges for the Financial Year 2002-03 to the Financial Year 2008-09 as demanded by the respondent-APEPDCL)

Sri C.V.Mohan Reddy, learned Senior Counsel, assisted by Sri S.Vivek Chandra Sekhar, learned counsel for the petitioner, and Sri P.Shiva Rao, learned Standing Counsel for the respondent, are present at the hearing.

Sri P.Shiva Rao, learned Standing Counsel for the respondent, requested time for filing counter.

Sri C.V.Mohan Reddy, learned Senior Counsel for the petitioner, submitted that the petitioner was never a party to the previous litigation, which resulted in the judgement of the Honourable Supreme Court, based on which the present demand has been raised. He, therefore, sought for stay of recovery of arrears in pursuance of the previous Tariff Orders, which were subject matter of the dispute before the Honourable High Court and the Supreme Court.

Sri P.Shiva Rao, learned Standing Counsel for the respondent, placed before the Commission letter dated 17-1-2023 issued by the petitioner and submitted that the petitioner has undertaken to pay at least the sums of Rs. 96,75,405/- and Rs.1,21,19,821/- if the respondent agrees to receive the same.

The question whether the petitioner is liable to pay Grid Support Charges in pursuance of the Tariff Orders for the FY 2002-03 to FY 2008-09 is required to be adjudicated in the OP. It appears, the petitioner was not subjected to levy and demand of Grid Support Charges when the same were levied on captive generators in

pursuance of tariff orders for the FY 2002-2003 to FY 2008-2009 and the petitioner was also not a party to the previous litigation. However, considering the fact that the petitioner himself has offered to pay Rs.96,75,405/- or Rs.1,21,19,821/-, we feel that, in the interest of justice, there shall be an interim order, pending the OP, restraining the respondents from recovering the claim of arrears of Rs.29,16,52,200/- found allegedly due towards Grid Support Charges for the FY 2002-03 to FY 2008-09, subject to the petitioner paying to the respondent the sums of Rs.96,75,405/- (Rupees Ninety six lakhs, seventy five thousand, four hundred and five only) and Rs.1,21,19,821/- (Rupees one crore, twenty one lakhs, nineteen thousand, eight hundred and twenty one only) within a period of four weeks from today, which shall be subject to the result of the OP. It is, however, made clear that this order will not cover the liability arising under tariff order for the FY 2022-2023 and future tariff orders.

Call on 19-04-2023 for counter.

**Sd/-
MEMBER/TRS**

**Sd/-
CHAIRMAN**

**Sd/-
MEMBER/PRR**

OP No. 3 of 2023

M/s Vish Wind Infrastructure LLP Vs. APSPDCL & two others.

(Petition filed under Section 86(1)(e) and (f) of the Electricity Act, 2003 read with Article 2.2, 5 and 9 of the PPA seeking a direction against the Respondents for issuance of No Objection Certificate in order to enable the Petitioner to sell the Power through Open Access)

Sri Shri Venkatesh, learned counsel for the petitioner, 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, requested time for filing counter.

Call on 26-4-2023.

**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 to 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 Kasarla Sai Teja, counsel representing Sri Aniket Prasoon, learned counsel for the Petitioner, and Sri P.Shiva Rao, learned Standing Counsel for the respondent, are present at the hearing.

An affidavit on behalf of the respondent has been filed giving the breakup of the amounts withheld under different heads.

Sri Kasarla Sai Teja, counsel representing Sri Aniket Prasoon, learned counsel for the Petitioner, submitted that the arguing counsel is not well and, he, accordingly, requested for an adjournment.

Call on 19-4-2023.

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 for 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 Kasarla Sai Teja, counsel representing Sri Kailash Nath P.S.S., learned counsel for the Petitioner 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 as no direction was issued, unlike in OP No.18 of 2022, the respondents could not give the breakup of the withheld amounts. However, we feel that such a breakup is necessary.

The respondent is, therefore, directed to file the breakup of the withheld amounts as was done in OP No.18 of 2022 within two weeks from today.

At the request of the learned counsel for the petitioner call on 19-4-2023 along with OP No.18 of 2022.

**Sd/-
MEMBER/TRS**

**Sd/-
CHAIRMAN**

**Sd/-
MEMBER/PRR**

**O.P.No. 21 of 2020 & IA No.1 of 2022
Tata Power Renewable Energy Ltd Vs. APSPDCL, APSLDC & APTRANSCO**

(Petition filed for directions treating the loss of generation of Rs. 68.39 Crores as computed till May 2020 on account of curtailment of power as a deemed generation by the Petitioner/TPREL and direct Respondent No. 1 to make payment for the said Deemed Generation Charges).

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

It is brought to the notice of the Commission that the Working Guidelines of the FOR with respect to R.E. Power Curtailment have not yet been uploaded in the FOR website. Since the said Guidelines are very much relevant for the purpose of adjudication of this OP., the OP., is adjourned to 26-4-2023, before which date the Guidelines are expected to be uploaded in the FOR website.

**Sd/-
MEMBER/TRS**

**Sd/-
CHAIRMAN**

**Sd/-
MEMBER/PRR**

**O.P. No.12 of 2020 & 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 disputes arising out of the Power Purchase Agreements dated 05-12-2014 entered by them with APSPDCL and seeking directions to the latter to act in accordance with terms of the PPAs in connection with charges for drawal 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 drawal of power by the generating stations for their auxiliary consumption.

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

Sri Kasarla SaiTeja, counsel representing Sri Aniket Prasoon, learned counsel for the Petitioners, and Sri P.Shiva Rao, learned Standing Counsel for the respondent, are present at the hearing.

Sri Kasarla Sai Teja, counsel representing Sri Aniket Prasoon, learned counsel for the Petitioners, submitted that the arguing counsel is not well and, he, accordingly, requested for an adjournment.

Call on 19-4-2023.

**Sd/-
MEMBER/TRS**

**Sd/-
CHAIRMAN**

**Sd/-
MEMBER/PRR**

**In the matter of Inspection of 132/33 KV GIS Mogahalarajpuram SS of
Vijayawada and Guntur Circle by Honourable Member(Technical) on 16-6-2022 -
Non-compliance of the directions issued by the Commission - Summons issued
to the CMD, APSPDCL, Vijayawada, SE (Operations), APSPDCL, Vijayawada, and
DE (Operations) (Town), APSPDCL, Vijayawada.**

In pursuance of the directions issued by the Commission, Sri J.Padma Janardhana Reddy, Chairman & Managing Director (CMD) of APCPDCL, Vijayawada, Sri A.Murali Mohan, Superintending Engineer (Operations), APCPDCL, Vijayawada, and Sri B.V.Sudhakar, Executive Engineer (Operations), APCPDCL, Vijayawada, are personally present.

The CMD has explained the difficulties in execution of the work of 33 KV lines from GIS Moghalrajpuram Substation for evacuation of power. He has placed before the Commission letter dated 14-2-2023 issued by the Chief Engineer (Transmission), TS TRANSCO, Vidyuth Soudha, Hyderabad, wherein they have agreed to provide 33 KV 400 Sq. mm Cu Ar Single Core XLPE UG Cable on sale basis at a price of Rs.27,32,219/-. The CMD submitted that the DISCOM will pay the said money tomorrow itself, draw the cable and execute the work within 15 days from the date of receipt of the cable.

The CMD shall file his affidavit in this regard giving out the upper time limit for completion of the work within one week from today.

The matter is adjourned to 15-3-2023.

**Sd/-
MEMBER/TRS**

**Sd/-
CHAIRMAN**

**Sd/-
MEMBER/PRR**