



SOLAR POWER DEVELOPERS ASSOCIATION

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SPDA/DG/2020/41

March 5, 2020

Subject: Public notice dated 13.02.2020 regarding public hearing to be held on 10.03.2020 in respect of proposed amendment of Regulation 4 of 2017

Reference: APERC (Forecasting, Scheduling and Deviation Settlement of Solar and Wind Generation) Regulations, 2017

Hon'ble Justice Shri Reddy ji,

Greetings from Solar Power Developers Association.

We are an independent industry association; committed towards promoting solar sector in India. We provide a neutral platform for policy advocacy, discussions and examination of issues critical to the development of the solar sector and is well recognized by Ministry of New and Renewable Energy (GoI). SPDA represents more than 55-member companies from solar sector, providing assistance in policy evolution and healthier investment climate for renewable energy projects and services. The member companies of SPDA includes all the large players who have actively contributed with more than 75% of total capacity operation in India.

With reference to the above subject, we would like to bring to your kind attention that several wind and solar project developers across the country had taken issue of forecasting, scheduling and deviation settlement of solar and wind generation regulations passed by the respective State Electricity Regulatory Commissions. High Courts in such matters have also passed interim orders not to take any coercive actions may against these companies.

Similarly, aggrieved by the APERC (Forecasting, Scheduling and Deviation Settlement of Solar and Wind Generation) Regulation, 2017 i.e. Regulation No. 4 of 2017 (**herein after referred to as 'Regulations'**), several renewable energy developers have also filed several petitions before the Hon'ble High Court of Andhra Pradesh challenging the regulations. The Hon'ble High Court of Andhra Pradesh has passed interim orders directing DISCOMs not to take any coercive action until the petitions are resolved.

Similarly, the Supreme Court of India has passed an order (copy of the order passed in SLP No. 4810/2019 dt. 26.04.2019 attached) directing the High Court of Andhra Pradesh that these issues should not be adjudicated by the state commissions, but rather by the state High Court.

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9/3/2020

Ch-50
9/3/2020 Page 1 of 2

Former

- Deputy National Security Advisor, Govt. of India • Defence Secretary, Govt. of India • Secretary Defence Production, Govt. of India
- Secretary Ministry of Health, Govt. of India • Director General, Sports Authority of India

In view of the above, we request that the public notice dt.13.02.2020, issued by the Hon'ble APERC for holding a public hearing on 10th March 2020, for proposed steps to amend the Regulations may be kept in abeyance till the matter is disposed off by the Hon'ble High Court of Andhra Pradesh.

With warm regards

Your Sincerely

To,
Hon'ble Justice C.V. Nagarjuna Reddy
Chairman
Andhra Pradesh Electricity Regulatory Commission
11-4-660, 4th Floor, Singreni Bhavan, Red Hills,
Hyderabad-500004



Shekhar Dutt

Enclosures:

1. Copy of order [WP No. 5706 of 2019] dt. 17.10.2019
2. Copy of order [WP No. 15513 of 2019] dt. 17.10.2019
3. Copy of order [WP No. 13860 of 2019] dt. 17.10.2019
4. Copy of order [SLP No. 4810/2019] dt. 26.04.2019

[3125]

HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(SPECIAL ORIGINAL JURISDICTION)
THURSDAY, THE SEVENTEENTH DAY OF OCTOBER, TWO THOUSAND AND
NINETEEN
:PRESENT:

THE HONOURABLE THE CHIEF JUSTICE JITENDRA KUMAR MAHESHWARI
AND
THE HONOURABLE SRI JUSTICE U. DURGA PRASAD RAO
WRIT PETITION No. 5706 of 2019

Between:

Orange Uravakonda Wind Power Private Limited., Having its Registered Office at D-21,
Corporate Park, 3rd Floor, Sector - 21, Dwaraka, New Delhi South - 110 077.
Represented by its Authorized Signatory Mr.J.Ashvin Kumar

..Petitioner

AND

1. The State of Andhra Pradesh, Represented by its Principal Secretary, Electricity Department, Andhra Pradesh Secretariat, Velagapudi, Amaravathi, Guntur District 522 503
2. Andhra Pradesh Electricity Regulatory Commission, Represented by its Secretary, 4th Floor, Singareni Bhavan, Red Hills, Hyderabad - 500 004.
3. State Load Dispatch Centre, Transmission Corporation of Andhra Pradesh Limited Vidyut Soudha, Gunadala, Eluru Road, Vijayawada, Andhra Pradesh Krishna District - 520 004.

..Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to pass an order or orders, direction or writ more particularly one in the nature of Writ of Mandamus

(a) Declaring the impugned regulations, dated 21.08.2017 issued by APERC Forecasting, Scheduling and Deviation Settlement of Solar and Wind Generation Regulation, 2017 (Regulation No.4 of 2017) dated 21.08.2017 framed by the Respondent No. 2 as arbitrary, illegal, unconstitutional and also violative of principles of natural justice

(b) Direct the Respondent No.3 not to levy any penalty towards Deviation Settlement.

I.A No. 1 of 2019 :-

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to stay the levy of purported deviation charges in pursuant to the impugned regulations, APERC Forecasting, Scheduling and Deviation Settlement of Solar and Wind Generation Regulation, 2017 (Regulation No.4 of 2017) dated 21.08.2017 framed by the Respondent No. 2, pending disposal of Writ Petition No.5706 of 2019, on the file of the High Court.

I.A.No. 2 of 2019 :-

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the operation and effect of the impugned regulations (APERC Forecasting, Scheduling and Deviation Settlement of Solar and Wind Generation Regulation, 2017 (Regulation No.4 of 2017) dated 21.08.2017) issued by the Respondent No. 2 and the Procedure notified thereunder, pending disposal of Writ Petition No.5706 of 2019, on the file of the High Court.

Contd..2....

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and the order of the High Court order dated 25.04.2019, 03-06-2019, 17-06-2019 and 25-06-2019 made herein and upon hearing the arguments of SRI P. VIKRAM, Advocate for the Petitioner and of the Government Pleader for Energy for Respondent No.1, Sri P. Srinivasa Rao, learned Counsel for Respondent No.2, and of Sri N.Siva Reddy, learned Counsel for Respondent No.3, and the Court made the following

ORDER :-

"In this case, an interim order has been granted on 25.04.2019, directing the authorities not to invoke the bank guarantee furnished by the petitioner, if not already invoked, and on 25.06.2019, this Court extended the said interim order until further orders.

Now, the petitioner filed I.A.No.3 of 2019 seeking suspension of a subsequent notice issued by respondent No.3 on 27.08.2019.

Three weeks' time is granted to the respondents to file counters to the said I.A.

List this case after three weeks along with W.P.Nos.781 of 2018, 13860 and 15513 of 2019 for analogous hearing."

SD/- V. SUDHA
ASSISTANT REGISTRAR

//TRUE COPY//


For ASSISTANT REGISTRAR

To

1. One CC to SRI.P.VIKRAM, Advocate [OPUC]
2. One CC to SRI.P.SRINIVASA RAO, Advocate [OPUC]
3. One CC to SRI.N.SIVA REDDY, Advocate [OPUC]
4. Two CCs to GP FOR ENERGY, High Court Of Andhra Pradesh. [OUT]
5. Two spare copies

TKK

HIGH COURT

HC.J & UDPR.J

DATED: 17-10-2019.

ORDER

W.P.No. 5706 of 2019

**EXTENDING THE
INTERIM ORDER**



HIGH COURT OF ANDHRA PRADESH AT AMARAVATI (SPECIAL ORIGINAL JURISDICTION)

THURSDAY, THE SEVENTEENTH DAY OF OCTOBER, TWO THOUSAND AND NINETEEN

:PRESENT:

THE HONOURABLE THE CHIEF JUSTICE SRI JITENDRA KUMAR MAHESHWARI

AND

THE HONOURABLE SRI JUSTICE U. DURGA PRASAD RAO

WRIT PETITION No. 15513 of 2019



Between :-

1. M/s. Animala Wind Power Private Limited, A company incorporated under the Companies Act, 1956 And having its registered office at Plot No.1366, Road No.45 Jubilee Hills, Hyderabad, Telangana - 500 033 Rep by its Authorized Signatory Mr.Suryanarayana Peri
2. M/s Anantapura Wind Energies Private Limited, A Company incorporated under the Companies Act, 1956 And having its office at Plot No.1071, Road No.44 Jubilee Hills, Hyderabad, Telangana - 500 033 Rep by its Authorized Signatory Mr.Suryanarayana Peri
3. M/s Sandia Wind Project Private Limited, A Company incorporated under the Companies Act, 1956 And having its office at 72, Madhuban, NR, Madlapur Under Bridge, Ellisbridge, Ahmedabad - 380 006 Rep by its Authorized Signatory Mr.Suryanarayana Peri
4. M/s SEI Green Flash Private Limited, A Company incorporated under the Companies Act, 1956 And having its office at 10th Floor, Menon Eternity, Old No.110, New No.165, St.Marys Road, Alwarpet, Chennai - 600 018, Tamilnadu Rep by its Authorized Signatory Mr.Suryanarayana Peri
5. M/s Skeiron Renewable Energy Amidyala Limited, A Company incorporated under the Companies Act, 1956 And having its office at Plot No. Godrej Millennium, 5th Floor, 9, Koregaon Park Road, Pune - 411 001, Maharashtra Rep by its Authorized Signatory Mr.Suryanarayana Peri
6. M/s Orange Anantapur Wind Power Private Limited, A Company incorporated under the Companies Act, 1956 And having its office at F-9, 1st Floor, Manish Plaza, Plot No.7, MLU, Sector - 10, Dwaraka, New Delhi - 110 075 Rep by its Authorized Signatory Mr.Suryanarayana Peri
7. M/s Zuvan Energy Private Limited, A Company incorporated under the Companies Act, 2013 And having its office at Menon Eternity, 10th Floor, New No.165, Old No.110, St.Marys Road, Alwarpet, Chennai - 600 018, Rep by its Authorized Signatory Mr.Suryanarayana Peri
8. M/s Divyesh Power Private Limited, A Company incorporated under the Companies Act, 2013 And having its office at Menon Eternity, 10th Floor, New No.165, Old No.110, St.Marys Road, Alwarpet, Chennai - 600 018, Rep by its Authorized Signatory Mr.Suryanarayana Peri
9. M/s SEI Baskara Power Private Limited, A Company incorporated under the Companies Act, 2013 And having its office at Menon Eternity, 10th Floor, New No.165, Old No.110, St.Marys Road, Alwarpet, Chennai - 600 018. Rep. by its Authorized Signatory Mr.Suryanarayana Peri
10. M/s SEI EnerStar Renewable Energy Private Limited, A Company incorporated under the Companies Act, 2013 And having its office at Menon Eternity, 10th Floor, New No.165, Old No.110, St.Marys Road, Alwarpet, Chennai - 600 018 Rep by its Authorized Signatory Mr.Suryanarayana Peri

..Petitioners

AND

1. State of Andhra Pradesh, Department of Energy, Represented by its Principal Secretary, To Energy Infrastructure and Investment, Andhra Pradesh Secretariat, Velagapudi, Amaravathi. Guntur District - 522 503.
2. Andhra Pradesh Electricity Regulatory Commission, 11-4-660, 4th Floor, Singareni Bhavan, Red Hills Road, Khairatabad, Hyderabad, Telangana 500004.
3. AP State Load Dispatch Center, Transmission Corporation of Andhra Pradesh Limited, 3rd Floor, APSLDC Vidyut Soudha, Gunadala, Vijayawada, AP -520004.

..Respondents.

Contd.2...

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a writ in the nature of Mandamus or any other appropriate writ order or direction- a. to declare the Regulation issued by Respondent No.2 i.e., APERC Forecasting, Scheduling and Deviation Settlement of Solar and Wind Generation Regulation, 2017 (Regulation No.4 of 2017) dated 21.08.2017 and consequential proceedings issued by Respondent No. 3 i.e., Procedure for implementation of DSM for Wind and Solar generation as per Regulation. 4 of 2017 of Hon'ble APERC, as arbitrary, discriminatory, unreasonable and ultra vires to the Constitution of India and as contrary to the provisions of the Electricity Act, 2003, b. to declare the action of Respondent No.3 in issuing the following Notices i.e., (i) Notice dated 27.08.2019 vide Lr.No.ED/SLDC/SE(EBC)/EE/AO/DSM/F.No.14/D.No.395/2019 to Petitioner No.1, (ii) Notice dated 27.08.2019 vide Lr.No.ED/SLDC/SE(EBC)/EE/AO/DSM/F.No.14/D.No.394/2019 to Petitioner No.2 (iii) Notice dated 28.08.2019 vide Lr.No.ED/SLDC/SE(EBC)/EE/AO/DSM/F.No.14/D.No.468/2019 to Petitioner No.3 (iv) Notice dated 28.08.2019 vide Lr.No.ED/SLDC/SE(EBC)/EE/AO/DSM/F.No.14/D.No.354/2019 to Petitioner No.4 (v) Notice dated 28.08.2019 vide Lr.No.ED/SLDC/SE(EBC)/EE/AO/DSM/F.No.14/D.No.468/2019 to Petitioner No.5 (vi) Notice dated 28.08.2019 vide Lr.No.ED/SLDC/SE(EBC)/EE/AO/DSM/F.No.14/D.No.441/2019 to Petitioner No.6 (vii) Notice dated 14.08.2019 vide Lr.No.ED/SLDC/SE(EBC)/EE/AO/DSM/F.No.14/D.No.361/2019 to Petitioner No.7 (viii) Notice dated 14.08.2019 vide Lr.No.ED/SLDC/SE(EBC)/EE/AO/DSM/F.No.14/D.No.345/2019 to Petitioner No.8 (ix) Notice dated 14.08.2019 vide Lr.No.ED/SLDC/SE(EBC)/EE/AO/DSM/F.No.14/D.No.352/2019 to Petitioner No.9 and (x) Notice dated 14.08.2019 vide Lr.No.ED/SLDC/SE(EBC)/EE/AO/DSM/F.No.14/D.No.353/2019 to Petitioner No.10 as arbitrary, illegal, unconstitutional and also violative of principles of natural justice.

I.A No. 1 of 2019 :-

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of W.P., the High Court may be pleased to direct the Respondent No. 3 not to take any coercive action against the Petitioners including and not limited to encashment of the Bank Guarantees i.e., (1). BG. No. 0505518BG0003451, dated 04.08.2018 for an amount of Rs. 35,10,000/- furnished by Petitioner No. 1, (2). BG. No. 0505518BG0003449, dated 04.08.2018 for an amount of Rs. 4,50,000/-furnished by Petitioner No.2, (3). BG. No. 0505518BG0003350, dated 31.07.2018 for an amount of Rs. 6,88,500/- furnished by Petitioner No.4- (4) BG. No. 01720BG18015581, dated 13.08.2018 for an amount of Rs. 1,35,00,000/- furnished by Petitioner No.6, (5). BG. No. 0505518BG0003432, dated 03.08.2018 for an amount of Rs. 11,25,000/-furnished by Petitioner No.7, (6). BG. No. 0505518BG0003340, dated 31.07.2018 for an amount of Rs. 11,25,000/- furnished by Petitioner No.8, (7). BG. No. 0505518BG0003342, dated 31.07.2018 for an amount of Rs. 11,25,000/- furnished by Petitioner No.9 and (8). BG. No. 0505518BG0003338, dated 31.07.2018 for an amount of Rs. 11,25,000/-furnished by Petitioner No.10 pending disposal of W.P. No. 15513 of 2019, on the file of the High Court.

I.A No. 2 of 2019 :-

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of W.P., the High Court may be pleased to suspend the operation and effect of Notice(s) issued by the Respondent No.3 i.e., (i) Notice dated 27.08.2019 vide Lr.No.ED/SLDC/SE(EBC)/EE/AO/DSM/F.No.14/D.No.395/2019 to Petitioner No.1; (ii) Notice dated 27.08.2019 vide Lr.No.ED/SLDC/SE(EBC)/EE/AO/DSM/F.No.14/D.No.394/2019 to Petitioner No.2; (iii) - Notice dated 28.08.2019 vide Lr.No.ED/SLDC/SE(EBC)/EE/AO/DSM/F.No.14/D.No.468/2019 to Petitioner No.3; (iv) Notice dated 28.08.2019 vide Lr.No.ED/SLDC/SE(EBC)/EE/AO/DSM/F.No.14/D.No.354/2019 to Petitioner No.4; (v) Notice dated 28.08.2019 vide Lr.No.ED/SLDC/SE(EBC)/EE/AO/DSM/F.No.14/D.No.468/2019 to Petitioner No.5; (vi) Notice dated 28.08.2019 vide Lr.No.ED/SLDC/SE(EBC)/EE/AO/DSM/F.No.14/D.No.441/2019 to Petitioner No.6; - (vii) Notice dated 14.08.2019 vide Lr.No.ED/SLDC/SE(EBC)/EE/AO/DSM/F.No.14/D.No.361/2019 to Petitioner No.7; (viii) Notice dated 14.08.2019 vide Lr.No.ED/SLDC/SE(EBC)/EE/AO/DSM/F.No.14/D.No.345/2019 to Petitioner No.8; (ix) Notice dated 14.08.2019 vide Lr.No.ED/SLDC/SE(EBC)/EE/AO/DSM/F.No.14/D.No.352/2019 to Petitioner No.9 and (x) Notice dated 14.08.2019 vide Lr.No.ED/SLDC/SE(EBC)/EE/AO/DSM/F.No.14/D.No.353/2019 to Petitioner No.10 pending disposal of this writ petition pending disposal of the above writ petition and to pas, pending disposal of WP No. 15513 of 2019, on the file of the High Court.

Contd....3...

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and order of High Court dt. 01-10-2019 and upon hearing the arguments of SRI P. Vikram, Advocate for Petitioner and of the G.P. for Energy on behalf of respondent No.1 and Sri P. Srinivasa Rao, Standing Counsel for Respondent No.2 ad Sri Y Nagi Reddy, Standing Counsel for Respondent No.3, the court made the following
ORDER

"Three weeks' time is granted to all the respondents to file counters.

Interim order granted earlier to continue until further orders.

List this case after three weeks along with W.P.Nos.781 of 2018, 5706 and 13860 of 2019 or analogous hearing."

//TRUE COPY//

Sd/- V .SUDHA,
ASSISTANT REGISTRAR

(Signature)
for ASSISTANT REGISTRAR

To

1. Two CCs to the G.P for Energy, High Court of A.P.,(OUT)
2. One CC to Sri P. Vikram, Advocate(OPUC)
3. One CC to Sri P. Srinivas Rao, Standing Counsel(OPUC)
4. One CC to Sri Y. Nagi Reddy, Advocate(OPUC)
5. Two spare copies.

TKK

HIGH COURT

HC.J & UDPR.J

DT.17-10-2019.

ORDER

W.P.No. 15513 of 2019.

**EXTENDING THE
INTERIM ORDER**



IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

(Special Original Jurisdiction)

THURSDAY, THE SEVENTEENTH DAY OF OCTOBER,
TWO THOUSAND AND NINETEEN

:PRESENT:

THE HONOURABLE THE CHIEF JUSTICE SRI JITENDRA KUMAR MAHESWAR

AND

THE HONOURABLE SRI JUSTICE U. DURGA PRASAD RAO



WRIT PETITION No. 13860 of 2019

Between :-

1. M/s.Axis Wind Farms (MPR Dam) Pvt. Ltd., A Company incorporated under the Companies Act, 1956 And having its office at Plot No.A2, Dwaraka Vilas, Anantapur, Andhra Pradesh - 515 001. Rep.by its Authorized Signatory, Mr.Suryanarayana Peri
2. M/s.JED Solar Parks Pvt. Ltd., A Company incorporated under the Companies Act, 1956 And having its office at D Block, Flat No.55, Dwaraka Villas, Anantapur, Andhra Pradesh - 515 001. Rep.by its Authorized Signatory, Mr.Suryanarayana Peri
3. M/s.Vayuputra Energy Pvt. Ltd., A Company incorporated under the Companies Act, 1956 And having its office at Plot D-46, Dwaraka Vilas, Ananthapur, Anantapur, Andhra Pradesh - 515 001, Rep.by its Authorized Signatory, Mr.Suryanarayana Peri
4. M/s.Rayalaseema Wind Energy Company Pvt. Ltd., A Company incorporated under the Companies Act, 1956 And having its office at Plot D-46, Dwaraka Villas, Anantapur, Andhra Pradesh - 515 001. Rep.by its Authorized Signatory, Mr.Suryanarayana Peri
5. M/s.SEI Sriram Power Pvt. Ltd., A Company incorporated under the Companies Act, 1956 And having its office at Lepakshi, Survey No.251, Kurnool, Andhra Pradesh - 515 331. Rep.by its Authorized Signatory, Mr.Suryanarayana Peri
6. M/s.Greenko Solar Power (Dharmavaram) Limited, (Formerly known as Rain Coke Ltd), A Company incorporated under the Companies Act, 2013 And having its office at 450/3E, Dharmavaram Mandal, Anatahpur, Andhra Pradesh - 515 671, Rep.by its Authorized Signatory, Mr.Suryanarayana Peri
7. M/s.Guttaseema Wind Energy Company Private Ltd., (Formerly known as Advaita Wind Energy Ventures Private Limited), A company incorporated under the Companies Act, 1956 And having its registered office at Office at Plot No. 1366, Road No. 45, Jubilee Hills, Hyderabad - 500 033. Rep.by its Authorized Signatory, Mr.Suryanarayana Peri
8. M/s.Saipuram Wind Energies Pvt. Ltd., A company incorporated under the Companies Act, 1956 And having its registered office at Office at Plot No. 1366, Road No. 45, Jubilee Hills, Hyderabad - 500 033. Rep.by its Authorized Signatory, Mr Suryanarayana Peri

..Petitioners

AND

1. State of Andhra Pradesh, Represented by its Principal Secretary, Electricity Department, Andhra Pradesh Secretariat, Velagapudi, Amaravathi. Guntur District - 522 503.
2. Andhra Pradesh Electricity Regulatory Commission, 11-4-660, 4th Floor, Singareni Bhavan, Red Hills Road, Khairatabad, Hyderabad, Telangana 500004.
3. AP State Load Dispatch Center Transmission Corporation, of Andhra Pradesh Limited 3rd Floor, APSLDC Building, Vidvut Soudha, Gunadala, Vijayawada, AP -520004

..Respondents.

Contd....2...

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a writ in the nature of Mandamus or any other appropriate writ order or direction:

- a. to declare the Regulation issued by Respondent No.2 i.e., APERC Forecasting, Scheduling and Deviation Settlement of Solar and Wind Generation Regulation, 2017 (Regulation No.4 of 2017) dated 21.08.2017 and consequential proceedings issued by Respondent No. 3 i.e., Procedure for implementation of DSM for Wind and Solar generation as per Regulation. 4 of 2017 of Honble APERC, as arbitrary, discriminatory, unreasonable and ultra vires to the Constitution of India;
- b. to declare the action of Respondent No.3 in issuing the following Notices i.e.,
 (1) Notice, dated 27.08.2019 vide Lr.No.ED/SLDC/SE(EB C)/EE/AO/D SM/F .No.14/D .No.397/2019 to Petitioner No.1
 (2) Notice, dated 27.08.2019 vide Lr.No.ED/SLDC/SE(EBC)/EE/AO/DSM/F.No.14/D.No.423/2019 to Petitioner No.2
 (3) Notice, dated 29.08.2019 vide Lr.No.ED/SLDC/SE(EBC)/EE/AO/DSM/F.No.14/D.No.488/2019 to Petitioner No.3
 (4) Notice, dated 28.08.2019 vide Lr.No.ED/SLDC/SE(EBC)/EE/AO/DSM/F.No.14/D.No.458/2019 to Petitioner No.4
 (5) Notice, dated 14.08.2019 vide Lr.No.ED/SLDC/SE(EBC)/EE/AO/DSMIF.No.14/D.No.356/2019 to Petitioner No.5
 (6) Notice, dated 14.08.2019 vide Lr.No.ED/SLDC/SE(EBC)/EE/AO/DSM/F.No.14/D.No.348/2019 to Petitioner No.6 as arbitrary, illegal, unconstitutional and also violative of principles of natural justice;

I.A No. 2 of 2019 :-

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the Respondent No. 3 not to take any coercive action against the Petitioners including and not limited to encashment of the Bank Guarantees i.e.,
 (1). BG.No.0505518BG0003450, dated 04.08.2018 for an amount of Rs. 46,80,000/-furnished by Petitioner No. 1; (2).BG.No. 0505518BG0003344, dated 31.07.2018 for an amount of Rs. 10,80,000/- furnished by Petitioner No.2;
 (3). BG. No. 0505518BG0003448, dated 04.08.2018 for an amount of Rs. 57,82,500/-jointly furnished by Petitioner No. 3 and 7;
 (4).BG.No.0505518BG0003447, dated 04.08.2018 for an amount of Rs. 4,50,000/- jointly furnished by Petitioner No. 4; (5). BG. No. 0505518BG0003348, dated 31.07.2018 for an amount of Rs.4,14,000/- furnished by Petitioner No. 5;
 (6).BG.No.0505518BG0003347, dated 31.07.2018 for an amount of Rs. 4,95,000/- jointly furnished by Petitioner No. 6, pending disposal of Writ Petition No.13860 of 2019, on the file of the High Court..

I.A No. 1 of 2019 :-

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to Suspend the operation and effect of Notice(s) issued by the Respondent No.3 i.e., (1) Notice, dated 27.08.2019 vide Lr.No.ED/SLDC/SE(EBC)/EE/AO/DSM/F.No.14/D.No.397/2019 to Petitioner No.1;
 (2) Notice, dated 27.08.2019 vide Lr.No.ED/SLDC/SE(EBC)/EE/AO/DSM/F.No.14/D.No.423/2019 to Petitioner No.2;
 (3) Notice, dated 29.08.2019 vide Lr.No.ED/SLDC/SE(EBC)/EE/AO/DSM/F.No.14/D.No.488/2019 to Petitioner No.3;
 (4) Notice, dated 28.08.2019 vide Lr.No.ED/SLDC/SE(EBC)/EE/AO/DSM/F.No.14/D.No.458/2019 to Petitioner No.4;
 (5) Notice, dated 14.08.2019 vide Lr.No.ED/SLDC/SE(EBC)/EE/AO/DSM/F.No.14/D. No.356/2019 to Petitioner No.5;
 (6) Notice, dated 14.08.2019 vide Lr.No.ED/SLDC/SE(EBC)/EE/AO/DSM/F.No.14/D.No.348/2019 to Petitioner No.6, pending disposal of Writ Petition No.13860 of 2019, on the file of the High Court.

Contd....3...

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and order of High Court dt. 19-11-2019 made herein and upon hearing the arguments of SRI.P.VIKRAM Advocate for the petitioners, learned GP for ENERGY for Respondent No.1, Sri.P.Srinivasa Rao, learned counsel, takes notice for respondent No.2 and Sri Y.Nagi Reddy, learned counsel, takes notice for respondent No.3, the Court made the following.

ORDER :-

"Three weeks' time is granted to all the respondents to file counters.

Interim order granted earlier to continue until further orders.

List this case after three weeks along with W.P.Nos. 781 of 2018, 5706 and 15513 of 2019 for analogous hearing."

//TRUE COPY//

SD/- K. AMMAJI
ASSI ASSISTANT REGISTRAR

for ASSISTANT REGISTRAR

To

1. One CC to SRI.P.VIKRAM, Advocate [OPUC]
2. One CC to SRI.P.SRINIVASA RAO, STANDING COUNSEL (OPUC)
3. One CC to SRI.Y.NAGI REDDY, STANDING COUNSEL (OPUC)
4. Two CCs to GP FOR ENERGY, High Court Of Andhra Pradesh. [OUT]
5. One spare copy

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 4404 OF 2019
(Arising out of SLP (C) No. 4810/2019)

GREENKO ENERGIES PRIVATE LIMITED & ORS. Appellant(s)

VERSUS

THE ANDHRA PRADESH ELECTRICITY REGULATORY COMMISSION Respondent(s)

O R D E R

Leave granted.

Nobody appears on behalf of the respondent though served. We are of the view that the impugned judgment passed by the High court of Judicature at Hyderabad for the State of Telangana and the State of Andhra Pradesh needs to be set aside as the Writ Petition that was filed before it was to challenge the A.P. Electricity Regulatory Commission (Forecasting, Scheduling and Deviation Settlement Mechanism for Wind and Solar Generation Sources) Regulations, 2017. However, instead of either accepting or rejecting the challenge to the regulations, the High Court has relegated the appellant back to the Commission.

We therefore set aside the impugned judgment and remand the case to the High Court to be disposed of on merits.

The appeal is allowed in the aforesaid terms.



New Delhi,
April 26 2019.

..... J.
(ROHINTON FALI NARIMAN)

..... J.
(VINEET SARAN)

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s). 4810/2019

(Arising out of impugned final judgment and order dated 22-11-2018 in WP No. 781/2018 passed by the High Court Of Judicature At Hyderabad For The State Of Telangana And The State Of Andhra Pradesh)

GREENKO ENERGIES PRIVATE LIMITED & ORS.

Petitioner(s)

VERSUS

THE ANDHRA PRADESH ELECTRICITY REGULATORY COMMISSION Respondent(s)

IA 27649/2019 - EXEMPTION FROM FILING C/C/ OF THE IMPUGNED JUDGMENT
IA 56022/2019 - INTERVENTION/IMPLEADMENT
IA 56051/2019 - PERMISSION TO FILE ADDL. DOCUMENTS
IA 56050/2019 - STAY APPLICATION

Date : 26-04-2019 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN
HON'BLE MR. JUSTICE VINEET SARAN

For Petitioner(s)

Mr. S.B. Upadhyay, Sr. Adv.
Mr. Rana S. Biswas, Adv.
Mr. Sunil Kr. Sharma, Adv.
Mr. Nishant Kumar, Adv.
Ms. Sharmila Upadhyay, AOR

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

Application for impleadment is dismissed.

Leave granted.

The appeal is allowed in terms of the signed order.

Pending applications stand disposed of.

(R. NATARAJAN)
COURT MASTER (SH)

(RENU DIWAN)
ASSISTANT REGISTRAR
(signed order is placed on the file)