

Record of Proceedings for 05.02.2015

O.P.No. 14 of 2015 and I.A.No. 1 of 2015

- M/s. Arhyama Solar Power Private Limited, Hyderabad vs
- (1). The Principal Secretary, Energy Department, Government of Telangana, Hyderabad
  - (2). The Southern Power Distribution Company of Telangana (TSSPDCL), Hyderabad
  - (3). M/s. Transmission Corporation of Telangana State Limited (TSTRANSCO), Hyderabad
  - (4). The Senior Accounts Officer, Operation Circle Medak, Sangareddy

Petition seeking the levy of transmission and wheeling charges as determined by erstwhile APERC vide order dated 09.05.2014 contrary to government policy as adopted by the APERC.

The petitioner has sought interim orders on not to levy the wheeling transmission charges pending disposal of the petition.

The counsel for the petitioner and counsel for the respondents argued the matter. The counsel for the petitioner insisting on the passing of interim orders as sought by the petitioner. Though the counsel for the respondent sought to file the counter affidavit by this date, he will enable do so. However, he sought recording of his submissions in the matter. Heard the parties and orders on interlocutory application are reserved.

Post the main case for final hearing on 22.04.2015.

Sd/-  
Member

Sd/-  
Member

Sd/-  
Chairman

O.P.No. 57 of 2015

M/s Spectrum Power Generation Ltd. Vs APTRANSCO, DISCOMS & APPCC

Petition u/s 86(1)(f) of the Electricity Act, 2003 for adjudication of disputes between the parties with regard to minimum off take charges.

The counsel for petition sought adjournment raising the issue of jurisdiction of this Commission over the case. The Commission agreed and adjourned the same to 21<sup>st</sup> April, 2015.

Sd/-  
Member

Sd/-  
Member

Sd/-  
Chairman

O.P.No. 58 of 2015 and I.A.No. 12 of 2015

Reliance Infrastructure Ltd vs DISCOMS & APPCC

Petition filed by the petitioner u/s 86 (1) (f) of the Electricity Act, 2003 seeking declaration that HSD is a alternative fuel in terms of Article 1.1.27 of the PPA and refund the unauthorized deductions of Rs. 96,68,92,198/- made by the respondents from the bills payable to the petitioner.

The counsel for the petitioner sought to make his submissions in continuation of the submissions made on 04.02.2015 in OP No. 39 of 2015. The counsel for the respondents stated that unless the issue of jurisdiction is decided the matter cannot be proceed with. Therefore he sought adjournment to another date and he would be ready to submit arguments both on jurisdiction as well as merits of the case.

In view of the submission that the jurisdiction issue is being taken up for hearing on 06.03.2015 before APERC as per submissions of counsel for respondent, and the Commission is required to examine the matter in detail adjourned to 13.04.2015.

Sd/-  
Member

Sd/-  
Member

Sd/-  
Chairman

O.P.No. 59 of 2015

M/s KSK Mahanadi Power Company Ltd. vs DISCOMs

Petition u/s 86 (1) (f) of the Electricity Act, 2003 for adjudication of dispute relating to claim of respondents towards liquidated damages of Rs. 23.60 crores under Article 4.8 of the power purchase agreement (PPA) dated 31.07.2012 entered between the parties.

The counsel for petition sought adjournment raising the issue of jurisdiction of this Commission over the case. The Commission agreed and adjourned the same to 22<sup>nd</sup> April, 2015.

Sd/-  
Member

Sd/-  
Member

Sd/-  
Chairman

O.P.No. 60 of 2015

DISCOMs & APPCC vs KSK Mahanadi Power Company Ltd & 4 others

Petition u/s 86 (1) (f) of the Electricity Act, 2003 for directions on illegal claim of Rs. 66.31 crs towards the transmission charges for the period 16<sup>th</sup> June, 2013 to 13<sup>th</sup> August, 2013 and capacity charges for the period 16<sup>th</sup> June 2013 to 26<sup>th</sup> July, 2013 by illegal invoking letter of credit by M/s KSK Mahanadi Power Company Ltd., for the period without supplying power to the petitioners.

The counsel for petition sought adjournment raising the issue of jurisdiction of this Commission over the case. The Commission agreed and adjourned the same to 22<sup>nd</sup> April, 2015.

Sd/-  
Member

Sd/-  
Member

Sd/-  
Chairman

O.P.No. 61 of 2015

M/s Green Energy Association vs DISCOMs & SLDC

Petition u/s 142 of the Electricity Act, 2003 for non-compliance of regulation 7 (1) & (2) and 9 of the APERC renewable power purchase obligation (compliance by purchase of renewable energy / renewable energy certificate) Regulation, 2012.

Sri B.Tagore, Advocate stated that he has to filed vakalat on behalf of the petitioner and file amended petition also, accordingly sought time of 10 days. The Counsel for the respondent Sri P.Shiv Rao, stated that the matter also involves jurisdiction aspect apart from issue of renewable energy certificates, therefore may be adjourned. In view of the request of the parties adjourned to 22.04.2015.

Sd/-  
Member

Sd/-  
Member

Sd/-  
Chairman

O.P.No. 62 of 2015

DISCOMs vs Nil

Petition u/s 86 (1) (e) and 61 & 66 of the Electricity Act, 2003 read with Regulation 8 of APERC (conduct of business) regulations, 1999 seeking modification / amendments to RPPO (renewable power purchase obligation) during each of the years 2012-13 to 2016-17 passed in Regulation No. 1 of 2012 dated 21.03.2012.

The Counsel for the petitioners Sri P.Shiv Rao, stated that the matter involves jurisdiction aspect apart from issue of renewable energy certificates, therefore may be adjourned. In view of the request of the counsel for the petitioner adjourned to 22.04.2015.

Sd/-  
Member

Sd/-  
Member

Sd/-  
Chairman

O.P.No. 63 of 2015

M/s GVK Industries Ltd. Vs APEPDCL & 5 others

Petition filed for adjudication of disputes between the parties.

The counsel for petition sought adjournment raising the issue of jurisdiction of this Commission over the case. The Commission agreed and adjourned the same to 21<sup>st</sup> April, 2015.

Sd/-  
Member

Sd/-  
Member

Sd/-  
Chairman

O.P.No. 64 of 2015 and IA No. 13 of 2015

M/s GMR Vemagiri Power Generation Ltd. Vs APPCC & 5 others

Petition filed under Section 30 of AP Electricity Reform Act, 1999 (Reform Act) read with clauses 55 and 62 of the APERC Conduct of Business Regulation, 1999 (CBR) seeking implementation of the order dt.27.11.2012 of the Commission regarding reimbursement of MAT in OP No. 26 of 2012.

The counsel for respondent sought adjournment raising the issue of jurisdiction of this Commission over the case. The Commission agreed and adjourned the same to 20<sup>th</sup> April, 2015.

Sd/-  
Member

Sd/-  
Member

Sd/-  
Chairman

O.P.No. 65 of 2015 and IA No. 13 of 2015

M/s Spectrum Power generation Ltd. Vs APTRANSCO & 5 others

Petition filed under Section 86 (1) (f) of the Electricity Act, 2003 seeking adjudication of disputes between the parties, along with interlocutory application (IA No. 9 of 2014).

The counsel for petition sought adjournment raising the issue of jurisdiction of this Commission over the case. The Commission agreed and adjourned the same to 21<sup>st</sup> April, 2015.

Sd/-  
Member

Sd/-  
Member

Sd/-  
Chairman

O.P.No. 66 of 2015

M/s Spectrum Power generation Ltd. Vs APTRANSCO & 5 others

Petition filed under Section 86 (1) (f) of the Electricity Act, 2003 seeking adjudication of disputes between the parties.

The counsel for petition sought adjournment raising the issue of jurisdiction of this Commission over the case. The Commission agreed and adjourned the same to 21<sup>st</sup> April, 2015.

Sd/-  
Member

Sd/-  
Member

Sd/-  
Chairman

O.P.No. 67 of 2015

M/s Bharath Aluminium Company Ltd. Vs M/s PTC India Ltd., & 2 others

Petition filed under Section 86 (1) (f) of the Electricity Act, 2003 for recovery of compensation deducted from the petitioner purportedly towards non-supply of power.

The counsel for petition sought adjournment raising the issue of jurisdiction of this Commission over the case. The Commission agreed and adjourned the same to 15<sup>th</sup> April, 2015.

Sd/-  
Member

Sd/-  
Member

Sd/-  
Chairman

O.P.No. 68 of 2015

M/s KSK Mahanadi Power Company Ltd. Vs DISCOMs

Petition filed under Section 86 (1) (f) of the Electricity Act, 2003 seeking adjudication of disputes arising under the power purchase agreement dated 31.07.2012 between the parties.

The counsel for petition sought adjournment raising the issue of jurisdiction of this Commission over the case. The Commission agreed and adjourned the same to 21<sup>st</sup> April, 2015.

Sd/-  
Member

Sd/-  
Member

Sd/-  
Chairman

O.P.No. 69 of 2015

M/s Spectrum Power Generation Ltd. Vs APTRANSCO & 7 others

Petition filed under Section 86 (1) (f) of the Electricity Act, 2003 for adjudication of disputes between the parties.

The counsel for petition sought adjournment raising the issue of jurisdiction of this Commission over the case. The Commission agreed and adjourned the same to 21<sup>st</sup> April, 2015.

Sd/-  
Member

Sd/-  
Member

Sd/-  
Chairman

O.P.No. 70 of 2015

M/s Spectrum Power Generation Ltd. Vs APTRANSCO & 7 others

Petition filed under Section 86 (1) (f) of the Electricity Act, 2003 for adjudication of disputes between the parties.

The counsel for petition sought adjournment raising the issue of jurisdiction of this Commission over the case. The Commission agreed and adjourned the same to 21<sup>st</sup> April, 2015.

Sd/-  
Member

Sd/-  
Member

Sd/-  
Chairman

O.P.No. 71 of 2015

M/s Spectrum Power Generation Ltd. Vs APTRANSCO & 12 others

Petition for adjudication of disputes between the parties.

The counsel for petition sought adjournment raising the issue of jurisdiction of this Commission over the case. The Commission agreed and adjourned the same to 21<sup>st</sup> April, 2015.

Sd/-  
Member

Sd/-  
Member

Sd/-  
Chairman

O.P.No. 72 of 2015

M/s Spectrum Power Generation Ltd. Vs APTRANSCO & 7 others

Petition for adjudication of disputes between the parties.

The counsel for petition sought adjournment raising the issue of jurisdiction of this Commission over the case. The Commission agreed and adjourned the same to 21<sup>st</sup> April, 2015.

Sd/-  
Member

Sd/-  
Member

Sd/-  
Chairman

O.P.No. 73 of 2015

M/s Spectrum Power Generation Ltd. Vs APTRANSCO & 7 others

Petition for adjudication of disputes between the parties.

The counsel for petition sought adjournment raising the issue of jurisdiction of this Commission over the case. The Commission agreed and adjourned the same to 21<sup>st</sup> April, 2015.

Sd/-  
Member

Sd/-  
Member

Sd/-  
Chairman

O.P.No. 74 of 2015

M/s Hetero Wind Power Ltd. Vs TSTRANSCO, APTRANSCO & TSSPDCL

Petition seeking execution of tariff order dt.09.05.2014 with regard to exemption of transmission & wheeling charges for the petitioner's wind project.

The counsel for the petitioner sought adjournment stating that he has to file vakalat on behalf of the petitioner, on other hand counsel for the respondents sought time to file the counter affidavit. Accordingly adjourned to 23.04.2015.

Sd/-  
Member

Sd/-  
Member

Sd/-  
Chairman

O.P.No. 75 of 2015 and IA No. 16 of 2015

TSNPDCL & TSSPDCL Vs APGENCO

Petition seeking directions to the respondent to comply with the directions of southern regional load dispatch centre dated 18.06.2014 by floating the provision of Electricity Act, 2003.

The counsel for the respondents sought time to file vakalat and also stated that the copy of the petition is not received. Office is directed to furnish a copy of the petition immediately. Adjourned to 15.04.2015.

Sd/-  
Member

Sd/-  
Member

Sd/-  
Chairman

R.P.No. 6 of 2015

APTRANSCO & 5 others Vs M/s Spectrum Power Generation Ltd.

Petition filed under Section 94 (1) (f) of the Electricity Act, 2003 seeking review the Commission's order dt. 27.07.2013 in OP No. 44 of 2013.

The counsel for petition sought adjournment raising the issue of jurisdiction of this Commission over the case. The Commission agreed and adjourned the same to 21<sup>st</sup> April, 2015.

Sd/-  
Member

Sd/-  
Member

Sd/-  
Chairman

R.P.No. 07 of 2015 and IA No. 15 of 2015

M/s Axis Energy Ventrues (India) Pvt.Ltd. & others Vs M/s Indian Wind Energy Association & DISCOMs & M/s Rayala Wind Power Company Pvt.Ltd.

Petition u/s 94 (1) (f) of the Electricity Act, 2003 for review of the order in OP No. 13 of 2012 dt. 15.11.2012

Sri Anantha Raman, representing Sri S V S Chowdary, Advocate sought time stating that the counsel for the petitioner has to file vakalat and is out of station. He also stated that similar matter is posted to 20.04.2015. Counsel for the respondent not present. Adjourned to 20.04.2015.

Sd/-  
Member

Sd/-  
Member

Sd/-  
Chairman

O.P.No. 39 of 2015

M/s Reliance Infrastructure Ltd. vs Discoms & APPCC

Petition u/s 86 (1) (f) of the Electricity Act, 2003 seeking to restrain the Discoms from deducting from the monthly bills amounts towards deemed generation.

The counsel for the petitioner sought to make his submissions in continuation of the submissions made on 04.02.2015 in OP No. 39 of 2015. The counsel for the respondents stated that unless the issue of jurisdiction is decided the matter cannot be proceed with. Therefore he sought adjournment to another date and he would be ready to submit arguments both on jurisdiction as well as merits of the case.

In view of the submission that the jurisdiction issue is being taken up for hearing on 06.03.2015 before APERC as per submissions of counsel for respondent, and the Commission is required to examine the matter in detail adjourned to 13.04.2015.

Sd/-  
Member

Sd/-  
Member

Sd/-  
Chairman

OP No.44 of 2015 & IA No.09 of 2015

APPCC & Discoms vs Reliance Infrastructure Ltd.

Petition filed u/s 86 (1) (f) of the Electricity Act, 2003 in the matter of 'ineligibility of availability declarations with alternate fuel (naphtha / HSD) by the respondent, after the year 2009, and for deletion of alternate fuel clause'

IA filed by the petitioners u/s 128 of the Electricity Act, 2003 for appointment of a committee of technical officers and direct them to investigate the issue as to whether there were tanks for storing naphtha at the project of the respondent and after the year 2009 and as to the probable date of dismantling of naphtha tanks, by inspecting the project premises and the records.

The counsel for the petitioner sought to make his submissions in continuation of the submissions made on 04.02.2015 in OP No. 39 of 2015. The counsel for the respondents stated that unless the issue of jurisdiction is decided the matter cannot be proceed with. Therefore he sought adjournment to another date and he would be ready to submit arguments both on jurisdiction as well as merits of the case.

In view of the submission that the jurisdiction issue is being taken up for hearing on 06.03.2015 before APERC as per submissions of counsel for respondent, and the Commission is required to examine the matter in detail adjourned to 13.04.2015.

Sd/-  
Member

Sd/-  
Member

Sd/-  
Chairman