

**Record of Proceedings dated 07.06.2017**

O. P. No. 50 of 2015

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I. A. No. 20 of 2017

M/s IL & FS Wind Farms Limited vs TSSPDCL

Petition under sec 142, 143 and 129 of the Electricity Act, 2003 for directions to the respondents to comply with the tariff orders dated 31.03.2009 passed by the Commission and pay at the rate of Rs. 3.37/ KWH for the electricity supplied by the petitioner and other reliefs mentioned there in.

I. A. filed seeking amendment of the title in the original petition.

There is no representation for the petitioner. Sri Y. Rama Rao, Standing Counsel for the respondents along with Sri B. Vijaya Bhaskar, Advocate is present. Since it is represented that the matter involves jurisdiction and the petitioner is not present, the same is dismissed for non-prosecution. Consequently, the interlocutory application is also dismissed.

Sd/-  
Member

Sd/-  
Chairman

O. P. No. 51 of 2015

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I. A. No. 25 of 2015

M/s Nile Limited Vs. CPDCL

Petitioner seeking directions for payment on the monthly power bills.

I.A. filed seeking amendment of title in the original petition.

Sri. T. Vizhay Babu, Advocate representing Sri Challa Gunaranjan, Counsel for the petitioner and Sri Y. Rama Rao, Standing Counsel for the respondents along with Sri B. Vijaya Bhaskar, Advocate are present. The counsel for the petitioner requested for adjournment of the matter, as the counsel on record is engaged elsewhere. The counsel for the respondents has pointed out that the matter involves jurisdiction issue and therefore, it is required to be adjourned.

The Commission has adjourned the matter in view of the submission of the counsel for the parties without any date. It is also made clear that the next date of hearing will be intimated in due course.

Sd/-  
Member

Sd/-  
Chairman

O. P. No. 53 of 2015

M/s G M R Vemagiri Power Generation Limited Vs. APPCC, APTRANSCO & DISCOMs

Petition u/s 86 (1) (f) of the Electricity Act, 2003 seeking reimbursement of minimum fuel off take charges and other transportation charges from the respondents.

There is no representation for the petitioner. Sri Y. Rama Rao, Standing Counsel for the respondents along with Sri B. Vijaya Bhaskar, Advocate are present. He stated that the matter involves jurisdiction issue, for which a finding has been given by the Commission by order dated 31.10.2016 in O. P. No. 25 of 2015 and batch. The said finding is subjudice before the Hon'ble High Court of Hyderabad for the States of Telangana and Andhra Pradesh. He also stated that in the transfer petitions filed by the petitioner herein, the Hon'ble Supreme Court required the Hon'ble High Court to hear and dispose of the writ petitions pending before it within a period of six months from 20.04.2017. He informed the Commission that a specific mention was made before the Hon'ble High Court for taking of the matters pending before it, however, the Hon'ble High Court declined to consider the request, however, a further mention is likely to be made by the counsel for the petitioners before the Hon'ble High Court for fixing a date during the course of this week. Therefore, he requested the Commission to adjourn the matter by six months, or else give liberty to the licensees to file an application for hearing as soon as the Hon'ble High Court disposes the matters pending before it.

The Commission having considered the submissions of the counsel for the respondent, adjourned the matter without giving any date.

Sd/-  
Member

Sd/-  
Chairman

O. P. No. 59 of 2015

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I. A. No. 20 of 2015

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I. A. No. 9 of 2016

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.

I. A. No. 20 of 2015 filed for amendment of the petition in respect of the title by omitting the respondents No. 2 & 3 in original petition.

I. A. No. 9 of 2016 filed seeking directions regarding extension of financial instruments relating to B.G. letter of credit and escrow mechanism.

Sri. A. Sreekanth, Dy. General Manager (Business Department) for the petitioner and Sri Y. Rama Rao, Standing Counsel for the respondents along with Sri B. Vijaya Bhaskar, Advocate are present. The representative of the petitioner stated that the counsel on record is out of the country and will return back on 17.06.2017, therefore, the matter may be adjourned by four weeks and posted thereafter. On the contrary the standing counsel for the respondents stated that the petitioner has not handed over the bank guarantees towards the amounts required to be furnished by it in original and therefore, the respondents are insisting for mutual exchange of letter of credit and bank guarantees. He also stated that the respondents have filed a review petition in I. A. No. 5 of 2016 in O. P. No. 60 of 2015 on the orders of the Commission, unless, the same is decided, the matter cannot be proceeded further.

The Commission has pointed out that it had passed orders twice for maintaining the financial instruments and conveyed its displeasure on the statement of the standing counsel that they have to provide for letter of credit to an extent of Rs. 14 crores only.

Keeping in view the request of the representative of the petitioner and submission of the standing counsel, the hearing is adjourned without any date and the same to be intimated in due course of time.

Sd/-  
Member

Sd/-  
Chairman

O. P. No. 60 of 2015  
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R. P. (SR) No. 56 of 2016 in I. A. No. 5 of 2016  
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I. A. No. 2 of 2017

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.

R. P. Petition filed by the petitioners No. 3 & 4 to review the order dt. 27.07.2016 passed in I. A. No. 5 of 2016 in original petition.

I. A. filed seeking directions regarding extension of financial instruments relating to B.G., letter of credit and escrow mechanism.

Sri Y. Rama Rao, Standing Counsel for the petitioners along with Sri B. Vijaya Bhaskar, Advocate and Sri. A. Sreekanth, Dy. General Manager (Business Department) for the respondent are present. The representative of the respondent stated that the counsel on record is out of the country and will return back on 17.06.2017, therefore, the matter may be adjourned by four weeks and posted thereafter. On the contrary the standing counsel for the petitioners stated that the petitioner has not handed over the bank guarantees towards the amounts required to be furnished by it in original and therefore, the petitioners are insisting for mutual exchange of letter of credit and bank guarantees. He also stated that the petitioners have filed a review petition in I. A. No. 5 of 2016 in this O. P. on the orders of the Commission, unless, the same is decided, the matter cannot be proceeded further.

The Commission has pointed out that it had passed orders twice for maintaining the financial instruments and conveyed its displeasure on the statement of the standing counsel that they have to provide for letter of credit to an extent of Rs. 14.0 crores only.

Keeping in view the request of the representative of the respondent and submission of the standing counsel for the petitioners, the hearing is adjourned without any date and the same to be intimated in due course of time.

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.

Sri Y. Rama Rao, Standing Counsel for the petitioners along with Sri B. Vijaya Bhaskar, Advocate are present. The counsel for the petitioner stated that the petition was filed for modification of the regulation on renewable power purchase obligation. The petition was filed in the erstwhile APERC. The regulation itself has lost its sanctity as the time period specified in the regulation has lapsed. He further informed the Commission that the present APERC has already dismissed the original petition on its file on the same subject insofar as APDISCOMs are concerned. Therefore, he requests for disposal of this petition also.

The Commission having noted the facts expressed itself against keeping pending the present petition and decided to dismiss the same.

Sd/-  
Member

Sd/-  
Chairman

O. P. No. 64 of 2015

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I. A. No. 13 of 2015

M/s G M R Vemagiri Power Generation Limited vs APPCC& 5 others

Petition filed under Section 30 of Andhra Pradesh 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 dated 27.11.2012 of the Commission regarding reimbursement of MAT in OP No. 26 of 2012 (on the file of erstwhile APERC.)

I. A. filed seeking amendment of title in the original petition.

There is no representation on behalf of the petitioner. Sri. Y. Rama Rao, Standing Counsel for the respondents is present. He stated that the matter involves jurisdiction issue, for which a finding has been given by the Commission by order dated 31.10.2016 in O. P. No. 25 of 2015 and batch. The said finding is subjudice before the Hon'ble High Court of Hyderabad for the States of Telangana and Andhra Pradesh. He also stated that in the transfer petitions filed by the petitioner herein, the Hon'ble Supreme Court required the Hon'ble High Court to hear and dispose of the writ petitions pending before it within a period of six months from 20.04.2017. He informed the Commission that a specific mention was made before the Hon'ble High Court for taking of the matters pending before it, however, the Hon'ble High Court declined to consider the request, however, a further mention is likely to be made by the counsel for the petitioners before the Hon'ble High Court for fixing a date during the course of this week. Therefore, he requested the Commission to adjourn the matter by six months, or else give liberty to the licensees to file an application for hearing as soon as the Hon'ble High Court disposes the matters pending before it.

The Commission having considered the submissions of the counsel for the respondent, adjourned the matter without giving any date.

Sd/-  
Member

Sd/-  
Chairman

O. P. No. 68 of 2015  
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I. A. No. 19 of 2015

M/s KSK Mahanadi Power Company Ltd. vs DISCOMS

Petition filed u/s 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.

I. A. filed seeking for amendment of title in the original petition.

Sri. A. Sreekanth, Dy. General Manager (Business Department) for the petitioner and Sri Y. Rama Rao, Standing Counsel for the respondents along with Sri B. Vijaya Bhaskar, Advocate are present. The representative of the petitioner stated that the counsel on record is out of the country and will return back on 17.06.2017, therefore, the matter may be adjourned by four weeks and posted thereafter. On the contrary the standing counsel for the respondents stated that the petitioner has not handed over the bank guarantees towards the amounts required to be furnished by it in original and

therefore, the respondents are insisting for mutual exchange of letter of credit and bank guarantees. He also stated that the respondents have filed a review petition on the orders of the Commission in the earlier I. A., unless, the same is decided, the matter cannot be proceeded further.

The Commission has pointed out that it had passed orders twice for maintaining the financial instruments and conveyed its displeasure on the statement of the standing counsel that they have to provide for letter of credit to an extent of Rs. 14.0 crores only.

Keeping in view the request of the representative of the petitioner and submission of the standing counsel, the hearing is adjourned without any date and the same to be intimated in due course of time.

Sd/-  
Member

Sd/-  
Chairman

O. P. No. 80 of 2015

M/s. Singareni Calleries Company Ltd. Vs. TSNPDCL

Petition filed seeking for exemption from license granted by the erstwhile APERC

Sri G. Raghu Chandra Rao, Asst. General Manager (E&M) for the petitioner and Sri Y. Rama Rao, Standing Counsel for the respondents along with Sri B. Vijaya Bhaskar, Advocate are present. The representative of the petitioner stated that as per the directions of the Commission, the power supply connections with reference to individuals and entities located in the areas controlled by the company and falling in mining area, which are not related to the company's activities are transferred to TSNPDCL. In all 4895 connections have been identified for transfer of which 2035 connections have already been transferred to TSNPDCL. As regards other connections the work is in progress and the TSNPDCL has to take necessary steps in the matter.

The counsel for the respondent while not denying the fact, however, requests that another six months extension is required for them to complete exercise of taking over all the power supply connections from the petitioner, which belong to the rank outsiders to the company. He stated that due to ensuing rainy season certain electrical

works in respect of plant and machinery like poles and transformers etc. may get delayed, therefore, the licensee requires more time.

The Commission while hastening to state that it is not here to extend the time for completing the work time and again as a last resort extended the time till 31.10.2017. The Commission also directed the parties to file status report by 30.06.2017 for the works pending and done upto that period.

Sd/-  
Member

Sd/-  
Chairman

O. P. No.83 of 2015

M/s Lanco Kondapalli Power Ltd. Vs TSPCC, TSSPDCL & TSNPDCL

Petition seeking to question of non-payment of supplementary bills by the licensees.

Sri. T. Vizhay Babu, Advocate representing Sri Challa Gunaranjan, Counsel for the petitioner and Sri Y. Rama Rao, Standing Counsel for the respondents along with Sri B. Vijaya Bhaskar, Advocate are present. The counsel for the petitioner sought adjournment of the matter. The standing counsel reported that the matter involves the issue of jurisdiction, therefore, the matter may await the decision of the Hon'ble High Court on the said issue.

The Commission on a careful notice found that the present petition does not involve the issue of the jurisdiction as the petitioner has filed the present petition specifically with reference to the two distribution licensees on whom the Commission has jurisdiction and not others. Therefore, the matter is adjourned without any date.

Sd/-  
Member

Sd/-  
Chairman