

Record of proceedings dated 24.06.2015

O. P. No.34 of 2015

M/s Indian Wind Power Association vs NEDCAP, APCPDCL & APTRANSCO

Petition seeking issuance of regulation for determination of RE tariff based on CERC terms and conditions for tariff determination from renewable sources Regulation dated 16.09.2009 for procurement of wind energy by distribution licensee.

Sri. S V S Chowdary counsel for the petitioner and Sri. J Aswini Kumar Advocate represent Sri. Y. Rama Rao counsel for the respondent are present. The counsel for the petitioner stated that he is taking steps to amend the cause title of the case and would be filing the same in a day or two. The counsel or the respondents has no objection.

The counsel for the petitioner was asked to address the issue of an association filing a petition before the Commission as the Commission cannot entertain a pro-pono-publico as it is not a court of record and is only a statutory body bound to act within the provisions of the statute under which has been established. The counsel agreed to submit the arguments on the issue along with the merits of the case.

The Commission agreed to adjourn the hearing on the condition that the petitioner complies with the requirement of amending the cause title, but made it clear that no further adjournment should be sought by the petitioner or the respondents and the parties should be ready with all the facts to submit arguments. Adjourned.

		Call on 15.07.2015
		At 11:00 AM
Sd/- Member	Sd/- Member	Sd/- Chairman

O. P. No. 40 of 2015

And

IA No. 06 of 2015

M/s GVK Goutami Power Ltd. Vs DISCOMS, APPCC & APTRANSCO

Petition us/ 86 (1) (f) Electricity Act, 2003 seeking declaration that the petitioner is required to be compensated for capacity charges, transportation charges and imbalance charges.

Sri. Mannava R K M Sodekar representative for the petitioner and Sri. J Aswini Kumar Advocate for Sri. Y Rama Rao counsel for the respondent are present. The

representative for the petitioner adopted the arguments of Sri. K Gopala Choudary Advocate on 23.06.2015 about the issue of jurisdiction. The representative stated that the matter related both the DISCOMS in both the states and thus notice needs to go to the DISCOMs of the state of Andhra Pradesh including the APTRANSCO. The counsel for the respondent is in agreement with this submission. Both the parties requested for adjournment of the matter and also to give notice to the remaining parties also.

The Commission agreed to adjourn the hearing on the issue of jurisdiction for specific hearing on the issue and also to hear all the stakeholders. Office is directed to issue a specific notice to the APTRANSCO and APDISCOMs duly indicating the cases being posted and also the date of hearing. Adjourned, post the case along with the cases already posted to 04.07.2015.

Sd/-
Member

Sd/-
Member

Call on 04.07.2015
At 03:00 PM
Sd/-
Chairman

O. P. No. 41 of 2015
And
IA No. 07 of 2015

M/s GVK Industries Ltd. Vs DISCOMS, APPCC & APTRANSCO

Petition us/ 86 (1) (f) Electricity Act, 2003 seeking declaration that the petitioner is required to be compensated for capacity charges, transportation charges and imbalance charges.

Sri. Mannava R K M Sodekar representative for the petitioner and Sri. J Aswini Kumar Advocate for Sri. Y Rama Rao counsel for the respondent are present. The representative for the petitioner adopted the arguments of Sri. K Gopala Choudary Advocate on 23.06.2015 about the issue of jurisdiction. The representative stated that the matter related both the DISCOMS in both the states and thus notice needs to go to the DISCOMs of the state of Andhra Pradesh including the APTRANSCO. The counsel for the respondent is in agreement with this submission. Both the parties requested for adjournment of the matter and also to give notice to the remaining parties also.

The Commission agreed to adjourn the hearing on the issue of jurisdiction for specific hearing on the issue and also to hear all the stakeholders. Office is directed to issue a specific notice to the APTRANSCO and APDISCOMs duly indicating the cases being posted and also the date of hearing. Adjourned, post the case along with the cases already posted to 04.07.2015.

Call on 04.07.2015
At 03:00 PM
Sd/-
Chairman

Sd/-
Member

Sd/-
Member

O. P. No. 45 of 2015
And
IA No. 10 of 2015

M/s RVK Energy Pvt. Ltd. Vs APPCC & 9 others

Petition us/ 86 (1) (f) Electricity Act, 2003 for claim for price of the power supplied by the petitioner to Andhra Pradesh Power Coordination Committee (APPCC). Hearing before admission.

IA filed by the petitioner u/s 94 of the Act.

Sri. Challa Gunaranjan and Sri. M. K. Viswanath counsel for the petitioner and Sri. J Aswinin Kumar Advocate for Sri. Y Rama Rao counsel for the respondent are present. The counsel for the petitioner has adopted the arguments made by Sri. K Gopal Choudary Advocate on 23.06.2015 about the issue of jurisdiction. The counsel stated that the matter related both the DISCOMS in both the states and thus notice needs to go to the DISCOMs of the state of Andhra Pradesh including the APTRANSCO. The counsel for the respondent is in agreement with this submission. Both the counsels requested for adjournment of the matter and also to give notice to the remaining parties also.

The Commission agreed to adjourn the hearing on the issue of jurisdiction for specific hearing on the issue and also to hear all the stakeholders. Office is directed to issue a specific notice to the APTRANSCO and APDISCOMs duly indicating the cases being posted and also the date of hearing. Adjourned, post the case along with the cases already posted to 04.07.2015.

Call on 04.07.2015
At 03:00 PM
Sd/-
Chairman

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Member

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Member

O. P. No. 47 of 2015

DISCOMS vs M/s GVK Gautami Power Ltd.

Petition us/ 86 (1) (f) Electricity Act, 2003 for deletion of the clause reflecting alternate fuel in the definition of the "Fuel" in the PPA entered by the parties.

Sri. J Aswini Kumar Advocate for Sri. Y Rama Rao counsel for the petitioner and Sri. Mannava R K M Sodekar representative for the respondent are present. The representative for the respondent adopted the arguments of Sri. K Gopala Choudary Advocate made on 23.06.2015 about the issue of jurisdiction. The representative stated that the matter related both the DISCOMS in both the states and thus notice needs to go to the DISCOMs of the state of Andhra Pradesh including the APTRANSCO. The counsel for the petitioner is in agreement with this submission. Both the parties requested for adjournment of the matter and also to give notice to the remaining parties also.

The Commission agreed to adjourn the hearing on the issue of jurisdiction for specific hearing on the issue and also to hear all the stakeholders. Office is directed to issue a specific notice to the APTRANSCO and APDISCOMs duly indicating the cases being posted and also the date of hearing. Adjourned, post the case along with the cases already posted to 04.07.2015.

Call on 04.07.2015

At 03:00 PM

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Member

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Member

Sd/-
Chairman

O. P. No. 48 of 2015

DISCOMS vs M/s GVK Gautami Power Ltd.

Petition us/ 86 (1) (b and (f) Electricity Act, 2003 for deletion of the clause reflecting alternate fuel in the definition of the "Fuel" in the PPA entered by the parties.

Sri. J Aswini Kumar Advocate for Sri. Y Rama Rao counsel for the petitioner and Sri. Mannava R K M Sodekar representative for the respondent are present. The representative for the respondent adopted the arguments of Sri. K Gopala Choudary Advocate made on 23.06.2015 about the issue of jurisdiction. The representative stated that the matter related both the DISCOMS in both the states and thus notice needs to go to the DISCOMs of the state of Andhra Pradesh including the

APTRANSCO. The counsel for the petitioner is in agreement with this submission. Both the parties requested for adjournment of the matter and also to give notice to the remaining parties also.

The Commission agreed to adjourn the hearing on the issue of jurisdiction for specific hearing on the issue and also to hear all the stakeholders. Office is directed to issue a specific notice to the APTRANSCO and APDISCOMs duly indicating the cases being posted and also the date of hearing. Adjourned, post the case along with the cases already posted to 04.07.2015.

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Call on 04.07.2015
At 03:00 PM
Sd/-
Chairman

O. P. No. 51 of 2015

M/s Nile Ltd. Vs APCPDCL

Petition seeking directions for payment on the monthly power bills.

Sri. Challa Gunaranjan and Sri. M. K. Viswanath counsel for the petitioner and Sri. J Aswinin Kumar Advocate for Sri. Y Rama Rao counsel for the respondent are present. The counsel for the petitioner has stated that the matter pertains to recovery of the amounts from the erstwhile APCPDCL for the power delivered and has nothing to do with the issue of jurisdiction. The counsel for the respondent however insisted that it involves jurisdiction as the plant is in the other state of Andhra Pradesh. However, in view of the specific contention that the petitioner is seeking payment of the amounts due, the case can be heard by the Commission.

The Commission agreed views that there is issue of jurisdiction involved in this case and directs respondents to file their counter affidavit if any by the next date of hearing on the specific issue of payment of the amounts. It is also made clear to the petitioner that it should take steps to bring on record the proper parties. Adjourned

Sd/-
Member

Sd/-
Member

Call on 15.07.2015
At 03:00 PM
Sd/-
Chairman

O. P. No. 54 of 2015
And
IA No. 11 of 2015

M/s GVK Industries Ltd. (Phase-II) vs DISCOMS & APTRANSCO

Petition u/s 86 (1) (f) of the Electricity Act, 2003 for adjudication of disputes between the parties and the IA also filed by the petitioner for interim orders.

Sri. Mannava R K M Sodekar representative for the petitioner and Sri. J Aswini Kumar Advocate for Sri. Y Rama Rao counsel for the respondent are present. The representative for the petitioner adopted the arguments of Sri. K Gopala Choudary Advocate made on 23.06.2015 about the issue of jurisdiction. The representative stated that the matter related both the DISCOMS in both the states and thus notice needs to go to the DISCOMS of the state of Andhra Pradesh including the APTRANSCO. The counsel for the respondent is in agreement with this submission. Both the parties requested for adjournment of the matter and also to give notice to the remaining parties also.

The Commission agreed to adjourn the hearing on the issue of jurisdiction for specific hearing on the issue and also to hear all the stakeholders. Office is directed to issue a specific notice to the APTRANSCO and APDISCOMS duly indicating the cases being posted and also the date of hearing. Adjourned, post the case along with the cases already posted to 04.07.2015.

Call on 04.07.2015
At 03:00 PM
Sd/-
Chairman

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Member

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Member

O. P. No. 55 of 2015

M/s GVK Industries Ltd. Vs DISCOMS & APPCC

Petition u/s 86 (1) (f) of the Electricity Act, 2003 seeking to recover several amounts due to it under various provisions of the PPA.

Sri. Mannava R K M Sodekar representative for the petitioner and Sri. J Aswini Kumar Advocate for Sri. Y Rama Rao counsel for the respondent are present. The representative for the petitioner adopted the arguments of Sri. K Gopala Choudary Advocate made on 23.06.2015 about the issue of jurisdiction. The representative stated that the matter related both the DISCOMS in both the states and thus notice

needs to go to the DISCOMs of the state of Andhra Pradesh including the APTRANSCO. The counsel for the respondent is in agreement with this submission. Both the parties requested for adjournment of the matter and also to give notice to the remaining parties also.

The Commission agreed to adjourn the hearing on the issue of jurisdiction for specific hearing on the issue and also to hear all the stakeholders. Office is directed to issue a specific notice to the APTRANSCO and APDISCOMs duly indicating the cases being posted and also the date of hearing. Adjourned, post the case along with the cases already posted to 04.07.2015.

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Call on 04.07.2015
At 03:00 PM
Sd/-
Chairman

O. P. No. 56 of 2015

M/s EID Parry (India) Ltd. Vs APTRANSCO & DISCOMS

Petition u/s 86 (1) (f) of the Electricity Act, 2003 in relation to non-payment of fixed charges by truing annualized threshold PLF of 55% as per the tariff determined by the commission to the petitioner under the power purchase agreement.

Sri. Challa Gunaranjan and Sri. M. K. Viswanath counsel for the petitioner and Sri. J Aswinin Kumar Advocate for Sri. Y Rama Rao counsel for the respondent are present. The counsel for the petitioner has adopted the arguments made by Sri. K Gopal Choudary Advocate on 23.06.2015 about the issue of jurisdiction. The counsel stated that the matter related both the DISCOMS in both the states and thus notice needs to go to the DISCOMs of the state of Andhra Pradesh including the APTRANSCO. The counsel for the respondent is in agreement with this submission. Both the counsels requested for adjournment of the matter and also to give notice to the remaining parties also.

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cases being posted and also the date of hearing. Adjourned, post the case along with the cases already posted to 04.07.2015.

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Member

Sd/-
Member

Call on 04.07.2015
At 03:00 PM
Sd/-
Chairman

O. P.(SR) No. 08 of 2015

M/s Indian Wind Power Association vs APTRANSCO, DISCOMS & NREDCAP

Petition u/s 86 (1) (e) and 86 (1) (f) of the Electricity Act, 2003 for several reliefs in respect of promotion of generation of electricity from renewable energy sources.

Sri. S V S Chowdary counsel for the petitioner and Sri. J Aswini Kumar Advocate represent Sri. Y. Rama Rao counsel for the respondent are present. The counsel for the petitioner stated that he is taking steps to amend the cause title of the case and would be filing the same in a day or two. The counsel or the respondents has no objection.

The counsel for the petitioner was asked to address the issue of an association filing a petition before the Commission as the Commission cannot entertain a pro-pono-publico as it is not court of record and is only a statutory body bound to act within the provisions of the statute under which has been established. The counsel agreed to submit the arguments on the issue along with the merits of the case.

The Commission agreed to adjourn the hearing on the condition that the petitioner complies with the requirement of amending the cause title, but made it clear that no further adjournment should be sought by the petitioner or the respondents and the parties should be ready with all the facts to submit arguments. Adjourned.

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