



By Regd. post with Ack due/email

**ANDHRA PRADESH ELECTRICITY REGULATORY COMMISSION**  
#11-4-660, 4th Floor, Singareni Bhavan, Red Hills, Khairatabad  
Hyderabad 500 004.

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**OP No.18 of 2024**  
(FR No.29 of 2024)

Between:

M/s. Southern Power Distribution Company of Andhra Pradesh Limited

And

M/s.National Aluminium Company Ltd, Gandikota, Jammalamadugu,  
YSR District.

Dir/Tech	Dir/Fin
Dir/Proj	CGM/HRD
CGM/O&M	CGM/Fin
CGM/P&MM & Civil	CGM/Rev
Petitioner	CVO
CGM/EC & DC	CGM/Trg
CGM/RAC&IPC	Peshi
Respondent	CMD

**NOTICE**

WHEREAS, M/s.Southern Power Distribution Company of Andhra Pradesh Limited, has filed this petition under Section 86(1)(b)&(e) of the Electricity Act 2003, seeking approval of the continuation agreement entered on 26.02.2024 between APSPDCL and M/s.NALCO for procurement of Power from their 50.4 MW Wind Power Plant located at Gandikota, Jammalamadugu in YSR District..

AND WHEREAS, the aforesaid petition is being listed for hearing before this Hon'ble Commission as per the date, time and place given below:

**Date : 10-04-2024 (Wednesday)**

**Time : 11:00 Hrs**

**Place : APERC's Court Hall, Singareni Bhavan, Hyderabad**

NOTICE is hereby given to you to appear personally or through an authorised functionary or duly authorised Advocate before this Hon'ble Commission on the said date and time. A copy of the Original Petition is enclosed herewith for ready reference and record of the respondent.

TAKE FURTHER NOTICE that if you fail to appear on the said date and time, the matter will be heard in your absence on the said date or any subsequent date to which the matter may be posted, as directed by the Commission, without any further notice.

(By Order of the Commission)

Date: 08-04-2024

  
Commission Secretary (I/c)

To  
M/s National Aluminium Company Ltd, Gandikota, YSR District.

**Copy to:**

1. The Chairman & Managing Director,  
Southern Power Distribution Company of Andhra Pradesh Limited,(APSPDCL),  
9-13-65/A, Raghavendra Nagar, Kesavayanagunta, Tiruchanoor Road, Tirupati,  
Andhra Pradesh - 517 501.[cmd@southernpowerap.co.in](mailto:cmd@southernpowerap.co.in)

*Am/IPC*  
*15/4*

*DEETI*  
*15/4*

*AP/PA*  
*15/4*

BEFORE THE ANDHRA PRADESH ELECTRICITY REGULATORY COMMISSION  
AT HYDERABAD

ORIGINAL PETITION No. 18 OF 2024

IN THE MATTER OF: Petition filed under Section 861(b) read with Section 861(e) of the Electricity Act, 2003, seeking approval for the continuation agreement entered on 26.02.2024 between APSPDCL and M/s. NALCO for procurement of Power from their 50.4 MW wind power plant located at Gandikota, Jammalamadugu in YSR District.

**BETWEEN:**

M/s. Southern Power Distribution Company of Andhra Pradesh Limited.  
Srinivasapuram, Tiruchanoor Road, Tirupati-517503, Andhra Pradesh

.....Petitioner

And

M/s National Aluminium Company Ltd, Gandikota  
YSR District

.....Respondent

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2.	Affidavit	5
3.	Petition fee payment receipt	6 ( e-pay order No.CT00CGIGN6)
4.	Copy of the Amended Power Purchase Agreement	Enclosed - 4 Sets
5.	GoAP Letters dated 28.11.2023 & 15.12.2023	Enclosed

Petition Filed under Section 86(1)(b) read with 86(1)(e) of the Electricity Act, 2003

1. It is submitted that initially the APSPDCL had entered into a PPA with M/s National Aluminium Company Ltd on 22.12.2012 for sale of power from their 50.4 MW wind Power project at Gandikota, AP for a period of 10 years from COD at provisional Average pooled power purchase cost tariff of Rs.2 per unit on adhoc basis and the developer shall be paid the Average pooled power purchase cost(APPC) as determined by this Hon'ble commission from time to time under REC mechanism in pursuant to Regulation No 01 of 2012.
2. Consequently, Commercial Operation Date (COD) of the project was achieved on 30.12.2012.
3. The APPC tariff determined by this Hon'ble commission from time to time as follows:

Financial Year	Applicable pooled cost Tariff (Rs/Kwh)	Commission orders dated determining pooled cost of power purchase
2011-12	2.69	29.06.2013
2012-13	3.28	28.12.2013
2013-14	3.38	31.05.2014
2014-15	3.44	07.11.2015
2015-16	3.464	06.01.2018
2016-17	3.741	03.08.2018
2017-18	4.03	29.04.2022
2018-19	4.43	29.04.2022
2019-20	4.02	29.04.2022
2020-21	4.60	17.05.2022
2021-22	4.17	09.05.2023

4. Accordingly, the tariff was paid to the developer for the power supplied from COD till expiry of said PPA. The PPA was expired on 29.12.2022.
5. As per the article 7 of the said initially entered PPA, there is no obligation on APSPDCL to procure power after expiry of PPA. The procurement, if wants to continue, shall be on mutual consensus only, subject to approval of APERC. Therefore APDISCOMs have offered a tariff of Rs.1.50 per unit to Nalco for future period..
6. It is submitted that, M/s.NALCO, being a Central Government owned company has stated that the offered tariff of Rs.1.50 is not viable for their project and also stated that their project has been dedicated to the Nation during April-2017 by the then Union Minister and thus the same is national assets.

7. Subsequently, the issue of M/s NALCO was placed in the 13<sup>th</sup> Southern Zonal council meeting held on 05.05.2023. Accordingly, GOAP called for remarks of APDISCOMs. GOAP continuously sought the updated status on the same vide letters dated 28.11.2023 & 15.12.2023.
8. It is submitted that since it is a central Government company under Navaratna, series of negotiations have been carried out between M/s NALCO and APDISCOMs. Finally, consensus have been reached for extension of PPA for further period of 15 years at a tariff of Rs.2.55 per unit +3% annual escalation with REC benefit to developer since the developer initially entered the PPA under REC mechanism.
9. It is submitted that to enter any PPA/amendments by the DISCOMs, prior approval of this Hon'ble commission shall be required. Accordingly, this Hon'ble commission was requested vide letter dated 03.01.2024 to accord permission for entering into amended PPA with M/s NALCO for a period of 15 years from the date of consent to the amended PPA that may be granted by this Hon'ble commission at a tariff of Rs.2.55 per unit +3% annual escalation, with REC benefit to developer.
10. In response, this Hon'ble commission vide letter dated 19.02.2024 directed DISCOMs, to file an appropriate petition before this Hon'ble commission for consideration and disposal of the issue.
11. As per the section 86 (1)(b) of Electricity Act, 2003 the Hon'ble Commission has wide powers to regulate the process of such proposed procurement of power and to pass orders granting approval or otherwise of it. Further as per section 86 1(e), the Hon'ble Commission has to promote Renewal Energy Sources.
12. Further as per AP Electricity reforms Act, 1998 under section 21(5) the Power Purchase Agreement becomes void without the consent of APERC, which Act was saved as per section 183 of Electricity Act, 2003 to the extent of not having inconsistency.
13. The Petitioner has paid Rs.30,000/- (Rupees Therty Thousands only) Online payment through e-Pay Vide ref: e-Pay Order CT00CGIGN6, Dt: 20.03.2024 in favour of the Secretary, APERC, Hyderabad towards fee as required under Andhra Pradesh Electricity Regulatory Commission (Fees) Regulation 5 of 2023

In light of the above, the petitioner is herewith filing the petition under Section 861(b) read with Section 861(e) of the Electricity Act, 2003, seeking approval for the continuation agreement entered on 26.02.2024 between APSPDCL and M/s. NALCO for procurement of Power from their 50.4 MW wind power plant located at Gandikota, Jammalamadugu in YSR Kadapa District.

Prayer

It is therefore prayed that the Hon'ble Commission may be pleased to pass appropriate order as to the approval of the above stated continuation PPA.

*Geel*  
PETITIONER  
CHIEF GENERAL MANAGER  
RAC & IPC  
APSPDCL :: TIRUPATHI

**OP No. 18 of 2024**

**APSPDCL Vs. M/s.National Aluminium Company Ltd.,**

(Petition filed under Section 86(1)(b) r/w. Section 86(1)(e) of the Electricity Act, 2003, seeking approval for the continuation agreement entered on 26.02.2024 between APSPDCL and M/s. NALCO for procurement of Power from their 50.4 MW Wind Power Plant located at Gandikota, Jammalamadugu in YSR District).

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Sri P.Shiva Rao, learned Standing Counsel for the Petitioner is present at the hearing. None appeared on behalf of the Respondent.

Since this petition pertains to approval of Tariff and continuation of the agreement dated 26-2-2024, publication shall be made as required under Section 64(2) of the Act.

Accordingly, the petitioner shall carry out publication of this petition in two newspapers one in Sakshi (Telugu) and the other in Deccan Chronicle (English) of the Andhra Pradesh Editions and file proof of publication by the next date of hearing.

Call on 12-6-2024 for filing proof of publication.

Sd/-  
MEMBER/PVRR

Sd/-  
CHAIRMAN

Sd/-  
MEMBER/TRS

**OP No. 19 of 2024**

**M/s.Andhra Pradesh Central Power Distribution Corporation Limited**  
**(APCPDCL)**

(Petition filed under Section 86 (1) (b) and Section 62 of Electricity Act 2003 read with Regulation 8 of APERC (Conduct of Business) Regulations, 1999 for computation of Pooled Cost of Power Purchase of the year 2022-23 to be considered for the year 2023-24).

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Sri P.Shiva Rao, learned Standing Counsel for the Petitioner is present at