

**N THE APPELLATE TRIBUNAL FOR ELECTRICITY
(Appellate Jurisdiction)**

ORDER ON

IA No. 980 of 2020 IN APPEAL No. 126 of 2020

Dated : 11th September, 2020

**Present: Hon'ble Mrs. Justice Manjula Chellur, Chairperson
Hon'ble Mr. S.D. Dubey, Technical Member**

In the matter of:

- i) Tata Power Renewable Energy Limited
C/o The Tata Power Company Limited,
Corporate Centre, B Block,
34, Sant Tukaram Road, Carnac Bunder,
Mumbai – 400 009, MaharashtraAppellant

VERSUS

- (i) Andhra Pradesh Electricity Regulatory Commission
4th Floor, Singareni Bhawan,
Red Hills, Hyderabad – 500 004
- (ii) Andhra Pradesh State Load Despatch Centre
Through the Chairperson/ Chief Engineer
3rd Floor, APSLDC Building,
Vidyut Soudha, Gunadala,
Vijaywada, Andhra Pradesh – 520 004
- (iii) Transmission Corporation of Andhra Pradesh
Through the Chairperson
Vidyut Soudha, Gunadala,
Eluru Road
Vijaywada, Andhra Pradesh – 520 004
- (iv) Wind Independent Power Producers Association
Through Authorized Signatory,
6th Floor, Tower 4A, DLF Corporate Park,
DLF Phase -III, MG Road,
Gurgaon, Haryana – 122002.Respondent(s)

Counsel for the Appellant(s) : Mr. Shri Venkatesh
Mr. Vikas Maini
Mr. Ashutosh Kumar Srivastava
Mr. Suhael Buttan
Mr. Abhiprab Singh

Counsel for the Respondent(s) : Mr. Ardhendumauli Kumar
Prasad
Mr. Nishant Kumar For R-2 & 3

ORDER

PER HON'BLE MR. S. D. DUBEY, TECHNICAL MEMBER

1. The instant application has been filed by Appellant along with the accompanying appeal challenging the legality, validity and propriety of the Order dated 14.07.2020 ("**Impugned Order**") passed by the Andhra Pradesh Electricity Regulatory Commission ("**APERC**") in Original Petition ("**O.P.**") No. 54 of 2019. The said O.P. was filed by Wind Independent Power Producers Association ("**WIPPA**") against Andhra Pradesh State Load Despatch Centre ("**APSLDC**") and Transmission Corporation of Andhra Pradesh ("**APTRANSCO**") seeking directions against APSLDC and APTRANSCO to restore the 400 KV *Uravakonda* Sub-Station ("**Uravakonda SS**") and revise the curtailment instructions issued to RE generating companies including the Appellant.
2. The Applicant has preferred the present Application seeking urgent directions from this Tribunal to direct the Respondent No. 2 & 3 i.e. APSLDC & APTRANSCO to revise its curtailment schedule and allow a minimum of 79.522% of evacuation from

Uravakonda SS as otherwise the Applicant would suffer grave and irreparable injury. The same is on account of the fact that the months of July-October are the peak wind season and any reduction in the generation will result in huge financial losses.

3. **The gist of the submissions made by Mr. Sajan Poovayya, learned senior counsel for the Appellant are as under:-**

3.1 The brief facts of the case, as submitted by the applicant/appellant are as follows:-

- (i) On 03.06.2017, APSLDC issued directions that power evacuation for each IPP connected to 400 kV *Uravakonda SS* would be restricted to 67% due to evacuation capacity available. Accordingly, the TPREL's Wind Power Plant was restricted to 67 MW out of installed capacity to 100 MW.
- (ii) On 12.10.2017, APTRANSCO commissioned 315 MVA ICT-4 at *Uravakonda GSS*, instead of the planned 500 MVA. Therefore, since the very inception a systematic effort was made to ensure a bottleneck for evacuation of power for RE Generators is created.
- (iii) On 21.11.2017, APTRANSCO *vide* its Order directed 72.93% evacuation to all IPPs, including TPREL.
- (iv) On 23.05.2018, a Meeting was held between the APSLDC and various Wind Power Generators, connected to the 400 kV *Uravakonda SS*, with a cumulative installed capacity of 1755.2 MW. Based on the discussion, the following points were, *inter alia*, concluded:
 - (a) APTRANSCO will explore the construction of 220 kV *Borampalli-Kalyandurg* line in order to increase evacuation capacity.

- (b) Generators have agreed that wind power will be evacuated up to 90% of Transformers capacity and any excess generation will be curtailed.
Accordingly, TPREL's generation capacity was now restricted to 72.5% instead of agreed 90%.
- (v) On 04.08.2018, APTRANSCO cancelled the 95% evacuation limit given for M/s Axis Energy and restored curtailment to 72.93% for all Wind Generators, including TPREL. Further, there were various curtailment instructions issued during September 2018 to February 2019. However, on 24.02.2019, APTRANSCO revised curtailment from 70.47% to 55.13% for all Wind Generators due to outage availed by 315 MVA ICT-4 to 500 MVA.
- (vi) On 18.04.2019, TPREL once again wrote to APSPDCL stating as under:
- (a) Due to insufficient evacuation capacity at Uravakonda SS, *Nimbagallu* wind plant is continuously running on power curtailment mode on the instruction from APTRANSCO and APSLDC.
- (b) For the period April 2017 to March 2019, there has been generation loss of 32.66 MUs, which corresponds to a revenue loss of Rs.17.44 Crores.
- (c) Accordingly, APSPDCL is requested to compensate for the revenue loss of Rs. 17.44 Crores suffered by TPREL for the period April 2017 to March 2019.
- (vii) On 14.05.2019, APTRANSCO vide its letter revised the curtailment from 55.13 % to 79.52% for all wind generators due to capacity addition in *Uravakonda* SS. It was further stated that

315 MVA ICT-4 has been replaced with new 500 MVA ICT on 10.05.2019 with idle charges for 24 Hrs and hence the curtailment has been revised from 55.13% to 79.52%. It is respectfully submitted that as early as in October 2017 the ICT - 4 was installed was inferior to the planned capacity to 500 MVA. The said capacity was finally augmented after a lapse of almost 1.5 years and the Applicant and other RE Generators were permitted to enhance their generator from 55.13% to 79.52%.

- (viii) Since there has been a substantial increase in the curtailment of power from renewable sources, with instances of 100% curtailment, on 26.06.2019, a review meeting of the Energy Department, chaired by the Chief Minister of the State of Andhra Pradesh was convened.
- (ix) Pursuant to the aforesaid, the Energy Department, Government of Andhra Pradesh ("**GoAP**"), issued Order dated 01.07.2019, constituting the HLNC to '*review, negotiate and bring down the high wind and solar energy purchase prices*' ("**GoAP Order**").
- (x) On 12.07.2019, various Wind Energy Generators received letters from APSPDCL, whereby the Generators were directed to reduce Tariff to Rs.2.43/- per unit and to submit revised monthly power supply bills. It was further stated that in case the Generators do not accede to such a direction, then APSPDCL would not have any option but to terminate the PPA.
- (xi) GoAP Order dated 01.07.2019 and Letters dated 12.07.2019 were challenged before the Hon'ble High Court of Andhra Pradesh by various Wind and Solar Power Developers by way of

a Writ Petition being *W.P (C) No. 9844 of 2019* titled as *Renew Power Ltd vs State of Andhra Pradesh & Ors.* On 25.07.2019, The Hon'ble High Court stayed the operation of the order and letter dated 12.07.2019.

- (xii) It is noteworthy that pursuant to the stay Order being passed by the High Court, there was a phenomenal rise in the curtailment instructions issued by APTRANSCO/ APSLDC.
- (xiii) Accordingly, on 01.08.2019, various Wind Generators filed I.A.s in the abovesaid Writ Petitions being *W.P. No. 9844 of 2019*. The Hon'ble High Court, after hearing detailed submissions in this regard, passed Order dated 01.08.2019, wherein it has been observed as under:

*“Having regard to the facts and circumstances of the case and submission of learned counsel, perused the record. **This Court prima facie satisfied that the petitioner has shown sufficient cause for grant of interim direction.***

Accordingly, there shall be an interim direction directing APTRANSCO/SLDC to discharge its statutory functions fairly and refrain from arbitrary curtailment of power generation by the power generating projects. The APTRANSCO further directed to adhere to the undertaking given to this court that written justification for curtailment of power will be informed on weekly basis in the website of TRANSCO as required under point 4.3.8.1 Grid Code, pending further orders in the writ petition.”

[Emphasis supplied]

- (xiv) Subsequently thereto, APTRANSCO/APSLDC have continued to curtail power, however, on alleged tripping of ICTs at the *Uravakonda SS*. On 17.08.2019, APTRANSCO revised curtailment from 79.52% to 55.13% for all Wind Generators due to tripping of 500 MVA ICT-4.

(xv) Thereafter on 27.08.2019, APTRANSCO vide its letter to SLDC revised the curtailment from 55.13% to 30.74% due to tripping of 500 MVA ICT-3.

(xvi) Aggrieved by the regular curtailment of power on account shut down of the *Uravakonda SS*, WIPPA filed a Petition before APERC, being O.P. No. 54 of 2019. Along with the Petition, WIPPA also filed an I.A. (I.A. No. 18 of 2019) seeking directions against the Respondents and to constitute a Committee to enquire/investigate into the veracity of reasons for curtailment.

(xvii) On 14.07.2020, APERC passed the Impugned Order.

3.2 Historically, the RE Generators including the Applicant connected with *Uravakonda SS* have been severely prejudiced on account of rampant backing down. The said problem commenced in the year 2017 wherein APTRANSCO, for reasons not known, installed the ICT - 4 of 315 MVA in the place of 500 MVA as originally planned. The same severely impaired the ability of the *Uravakonda SS* to evacuate power.

3.3 Since 2017 itself, several correspondences have been exchanged between the Applicant and APTRANSCO. However, as evident from the factual matrix elaborated above, there was no progress made by the APTRANSCO/APSLDC in this regard.

3.4 However, on 14.05.2019, APTRANSCO vide its letter apprised that ICT -4 has been augmented and the total evacuation of all connected RE Generators would be increased to 79.52% in place of the then existing 55.13%. The letter dated 14.05.2019 is reproduced below:-

“In continuation to the ref (4) cited above, the revised curtailment of wind developers connected to 400 KV SS, Uravakonda based on their installed capacity is 55.13%. The existing 319 MVA ICT-4 replaced with new 500 MVA ICT on 10-05-2019 @ 00.07 Hrs with idle charge for 24 Hrs. From 11-05-19 after release of air from new ICT loading may be done from 12-05-19 with 79.52%.

*Based on this the revised curtailment of all wind developers connected to **400 KV SS Uravakonda SS revised from 55.13% to 79.52%**. A Copy of annexure regarding revised curtailment herewith enclosed for favour of information and taking further necessary action please.”*

- 3.5 Thereafter, vide letters dated 17.08.2019 and 27.08.2019, APTRANCO reduced the evacuation to 30.74% for the Applicant as ICT No. 3 and 4 had faced an alleged breakdown. In that background as stated above, OP No. 54 of 2019 was filed before APERC. It is to be noted that the primary reason for revising the curtailment from 79.52% to 30.74% was the breakdown/failure of the said ICT No. 3 and 4.
- 3.6 However, as noted by APERC in its Orders dated 05.10.2019 (For ICT 4) and 05.03.2020 (For ICT 3) both ICTs have now been made operational. Therefore, the current factual position is same as that as on 14.05.2019 (when both the ICTs were functional and permissible generation was 79.52%). Therefore, it is submitted that APERC ought to have directed that minimum 79.52% of the Applicant's power must be evacuated.
- 3.7 However, APERC overlooked the above factual reality and arbitrarily fixed 70% as maximum generation to be evacuated through *Uravakonda SS*. In addition, APERC also ignored the guidelines prescribed under the Wind Power Policy to promote generation, especially ignoring the fact that the Applicant has faced rampant backing down in the past and also the period of July-September are the peak wind generation months.

- 3.8 Even otherwise APERC while passing the Impugned Order failed to appreciate that as per APTRANSCO Letter dated 14.05.2019, the evacuation at 79.52% is effectively computed at 90% transmission load of the Uravakonda SS. Hence, there was no reason whatsoever for the APERC in the Impugned Order to not to grant 79.52% of power to the Applicant during the ongoing peak wind season.
- 3.9 In light of the above and considering the current capacity of the Uravakonda SS, it is prayed before this Tribunal to permit the Applicant to at least evacuate 79.52% of power from the *Uravakonda SS* during the pendency of the instant Appeal. The above is without prejudice to the contentions raised in the Appeal that the Applicant is entitled to 100% evacuation from its project and cannot be prejudiced by the poor planning and implementation of transmission network carried out APTRANSCO in the State of Andhra Pradesh.
- 3.10 The above assumes importance in light of the fact that the peak wind season is in progress and on account of the current curtailment level, the Applicant would incur a substantial generation loss of Rs. 8.66 Cr (16.23 MU) in the next two months. The same is excluding the loss Applicant has already suffered i.e. Rs. 73.28 Cr (137.2 MU) from 01.04.2017 to till 30.06.2020.
- 3.11 It is in this background that the Applicant is compelled to file the present Application seeking revision of curtailment instruction from 70% to 79.52% during the pendency of this Appeal. Therefore, this Tribunal may consider the foregoing background and submission and direct the APTRANSCO to revise its curtailment schedule to 79.52%.

3.12 It is submitted that unless the prayers made herein below are granted in favour of the Applicant, the Applicant shall suffer irreparable loss and harm to its business which also affects the viability and feasibility of the project.

3.13 It is submitted that the present Application is being filed bona fide and in the interest of justice and equity. Grave prejudice and irreparable harm would be caused to the Appellant/Applicant, if the present application is not allowed.

3.14 The applicant/ appellant has prayed for the following:-

(a) Allow the present Application;

(b) Direct Respondent No. 3 & 4– APTRANSCO & APSLDC to immediately and without any delay revise schedule of curtailment to 79.52% and allow the Applicant to inject power corresponding to such enhanced capacity from Uravakonda SS;

And/Or

(c) Pass such other order(s) as the Tribunal may deem just in the facts of the present case.

4. **The gist of the submissions made by Mr. Ardhendumauli Kumar Prasad, learned counsel for the Respondent No.2 & 3/ APSLDC & APTRANSCO are as under:-**

4.1 At the very outset, the Respondent No. 2/APSPDLDC, deny and dispute all the averments, contentions and allegations raised by the Appellant in the captioned appeal in the manner alleged or at all.

4.2 The APSLDC is the statutory body responsible for ensuring

integrated operation of the power system in the State of Andhra Pradesh. APSLDC is statutorily obligated to, inter alia, monitor the grid and is responsible for ensuring optimum scheduling and despatch of electricity within the State of Andhra Pradesh and also exercises supervision and control over the intra-state transmission network, owned and operated by APTRANSCO/ Respondent No. 2 and other licensees. APTRANSCO is a transmission licensee within Section 2(73) of the Act and is designated as the State Transmission Utility (hereinafter referred to as 'STU') for the State of Andhra Pradesh, within the meaning of Section 2(67) of the Electricity Act. The curtailment of the power by APSLDC/ APTRANSCO has been done in accordance with their statutory obligations.

4.3 There has been curtailment of generation of power by APSLDC/ APTRANSCO on various occasions because of the technical difficulties happened in the natural course of events that have taken place in the functioning of the electrical equipments which were beyond their control. This was done in order to maintain the grid safety and security. APSLDC has been making all out efforts to bring the transformers back into service.

4.4 The relief in the main appeal and interim relief sought by the Appellant/ Applicant through the application under reply is, that prior to outage of I.C.T 3 and I.C.T 4 the Wind power evacuation of generators is 79.52% and that after restoration of said transformers the percentage of evacuation should be the same i.e. 79.52%, but the APERC has passed order directing the Respondent Nos. 2 and 3 to ensure 70% power evacuation only. In respect of said claim of the Applicant, the answering

Respondent submits that when 79.52% was in vogue both transformers i.e., ICT-3 and ICT-4 went out of service, although the same were commissioned in the recent past. The reason was that the Respondent did not maintain N-1 condition in giving evacuation and gave 79.52% which has caused the mishap. Had the Respondents followed N-1 criterion, the evacuation could have been much lesser. When the said transformers went out of service, it has caused great loss to all generators connected to said transformer and to DISCOMs as well, since they are deprived of the power which they are entitled to get. It is further submitted that although as per CERC Regulations in respect of RE Power N-1 need not be followed, in actual operations there occurred outages to transformers not only in the State of AP state but also in other State i.e., at Akal in Rajasthan. Therefore, after such outages the technical authorities have taken note of the facts prevailing in the field and concluded as mentioned below.

4.5 The similar evacuation facilities for Wind and Solar in Rajasthan faced contingencies and the same was detailed hereunder:-

- a. As per the Minutes of Meeting of 150th meeting of the Operation Co-ordination Sub-Committee of NRPC, held on 21.08.2018, it is submitted that:

*“Connectivity of 400/220 kV Akal SS is about 1983 MW with ICTs of $3*315+1*500$ MVA = 1445 MVA. On 5th Aug 2018, 315MVA ICT-2 is under outage from 04.08.2018 to 14.08.2018 for hotspot work. One more ICT-4 of 500MVA at Akal tripped due to fire, all remaining elements from 400 kV Akal were manually tripped from safety point of view resulting in generation loss of 1145MW. At that time, there were only two 315MVA ICTs available for evacuation of power from Akal aggravating the constraints at 400/220 kV Akal S/s.”*

- b. As per the minutes of 3rd meeting of Northern Region Standing Committee on Transmission held on 24.05.2019, it is

submitted that:

“Reliability issues due to prolonged outage of ICT at 400/220 kV Akal S/s Nearly 1980 MW of Renewable Energy (RE) generation (mostly wind) has been commissioned around 400/220 kV Akal S/s and normally during high wind period 800- 1000 MW power is evacuated through Akal ICTs with N-1 noncompliance issues at Akal. 500MVA ICT-4 and 315MVA ICT-2 at Akal are out since 05.08.18 and 22.08.18 due to fire. Therefore, only two 315MVA ICT are available for evacuation of wind power from Akal. In 150th and 151st OCC meeting, Rajasthan SLDC reported that renewable curtailment had to be done. Requirement for capacity enhancement of ICTs at Akal considering already planned network in nearby area needs to be studied and planned because N-1 violations are observed every year (especially during high wind) and need to be attended to avoid any renewable curtailments in future.”

- c. The Minutes of Meeting of 162nd Operation Coordination Committee Meeting held on 14.08.2019 states as follows:

“Rajasthan: N-1 non-compliance at Akal and Bhadla ICTs. High loading of ICTs at Akal is being observed leading to constraints in evacuation of renewables. As highlighted by NRLDC on previous many occasions, there is need for additional reactive power support at Akal. Long outages of ICTs at Akal have been reported in past months. Even, when ICTs were revived, ICTs were reportedly taken under shutdown due to some or other issue. It is important to understand that already there is N-1 non-compliance at Akal ICTs and outage of ICTs further aggravates the problem. In real time, loading of ICTs at Bhadla is being observed in range of 900- 1200 MW. Thus, there is N-1 non-compliance on daily basis from 10:00hrs to 16:00hrs when solar generation is high. Under N-1 contingency of ICT at Akal or Bhadla, there could be generation loss of the order of 1000- 1300MW, which is severe contingency in grid resulting in large scale frequency excursions (dip). Thus, there is need for SPS design to trip some generation in case of tripping of one ICT at these stations and antecedent loading of ICTs being higher than N-1 contingency limit.”

- 4.6 In light of the above, the Respondents considering the said facts are unable to maintain the same 79.52% of power evacuation as was given prior to outage of said transformers, apprehending that it may once again cause outage to any one of the transformers. It is further submitted that 220 kV Borampalli-Kalyanadurg line is under execution. Once the said line is

commissioned, enhanced quantum of wind generation would be evacuated. As such, the present arrangement of 70% is till such time the said 220 kV line is commissioned. As submitted herein above, restoration of 79.52 % is hazardous to the safety of transformers. Therefore, it is submitted that there is no prima facie case or balance of convenience warranting to grant interim relief as sought for by the Applicant herein.

- 4.7 The Respondents have formulated Uravakonda 400 kV SS, Borampalli 220 kV SS and 220KV Vajrakarur SS under green Energy Corridor of 3150 MW in Phase-1. Initially the Uravakonda SS is planned with 4 X 315 MVA (1260MVA) Transformers. To facilitate more evacuation of generation as part of 6745 MW evacuation scheme, Transformers Capacity of $2 \times 315 \text{ MVA} + 2 \times 500 \text{ MVA} = 1630 \text{ MVA}$ in Uravakonda SS is enhanced. While formulating evacuation scheme, 220 kV Borampalli-kalyanadurg line is proposed for evacuation of wind generation from Borampalli SS. But the 220 kV Borampalli - Kalyanadurg line could not be completed at some locations due to "Right of Way (ROW)" problems encountered in the field during execution of line works. The wind generation from Borampalli is being evacuated through Uravakonda SS. The connected installed capacity of Wind Generation in the Uravakonda SS is 1844.7 MW against the transformer Capacity of $2 \times 315 \text{ MVA} + 2 \times 500 \text{ MVA} = 1630 \text{ MVA}$. The installed capacity of wind generators is more than the transformer Capacity in Uravakonda SS, thereby it is necessitated for curtailment in wind generation to be evacuated through Uravakonda SS based on the Transformer Capacity.

- 4.8 Further, the Uravakonda region is the major wind pocket in the State having 1844.7 MW (about 45%) of total wind capacity of 4079 MW. This evacuation point is very crucial for reliability and Grid Stability aspects.
- 4.9 In addition to the submission made herein above, it is submitted that the two outages on ICT-4 and ICT-3 in quick succession that had taken place recently at Uravakonda 400 kV SS on 17.08.2019 and 27.08.2019 led to curtailment of generation and affected power planning. It is submitted that, the ICT-4 and ICT-3 of 500MVA each were taken into service on 20.09.2019 and 30.05.2020 after they got repaired by the OEM. It is submitted that, the events that have taken place at Akal-Rajasthan and Minutes of meeting thereon emphasizes the need for implementation of N-1 criterion at 400 kV SS.
- 4.10 It is pertinent herein to mention that the whole planning for LGBR (Load Generation Balancing Reserves) gets disturbed if any of the transformers go out of service for long periods as was experienced earlier. Hence, N-1 contingency at Uravakonda 400 kV SS was considered for implementation in view of Reliability, Safety & Security of the Grid and to provide hassle free evacuation of Variable Renewable Energy and for safeguarding the Transmission elements.
- 4.11 However, as per the orders passed by the APERC in OP No.54 of 2019, the Respondent No. 2 is evacuating 70% of Wind generation on the Installed capacity of 1844.7MW which is about 1291 MW. With N-1 contingency, the allowable Transformer Capacity in Uravakonda SS is 1243 MVA. As per

the APERC orders, the Respondent No. 2 is facilitating evacuation of wind generation duly considering N-1 criterion.

4.12 The construction works of new Borampally - Kalyanadurg 220 kV Double Circuit line are under execution. After commissioning of the Borampally - Kalyanadurg 220 kV Double Circuit line, the evacuation facilities will get strengthened and more wind power shall be evacuated. Till such time, the Respondent No. 2 is constrained to evacuate the wind generation as per the orders passed by the APERC in OP No.54 of 2019.

4.13 The Respondent Nos. 2 and 3 are under the statutory obligation to curtail the power flow for ensuring grid security and stability. The state grid could not have been subjected to risk because of the alleged losses of the Applicant. Respondent No. 2 being responsible for maintenance of the grid is best to determine the problems associated with the grid safety and stability and on that basis curtailing the power generation.

4.14 There is no prima facie case in favour of the Applicant to immediately revise the schedule of curtailment to minimum 79.52%. The balance of convenience does not lie in favour of Applicant as the grid security and safety cannot be compromised for on account of the any alleged to losses to the generators.

4.15 It is emphasized that no irreparable loss has been caused to the Applicant because of answering Respondents. There is no negligence on the part of Respondents who have put their best efforts in restoring the ICTs.

5. OUR CONSIDERATION AND FINDINGS:-

- 5.1 We have carefully considered the rival submissions of the learned senior counsel for the applicant/appellant and learned counsel appearing for Respondent Nos. 2 & 3 and taken note of factual matrix of the case leading to filing of the appeal and the instant application for interim relief.
- 5.2 It is noticed that in view of the prevailing operational problems at Uravakonda sub-station because of the limited evacuation capacity of transformers, there have been directions from the Respondents herein to curtail the evacuation of Wind power generation. To resolve the said situation, various meetings were held between the Respondents and the Wind Power Generators connected to 400 kV Uravakonda sub-station. It was inter-alia decided that APTRANSCO will explore the possibility of construction of 220 kV *Borampalli-Kalyandurg* line in order to increase evacuation capacity. The wind generators also agreed that the wind power from their generating stations will be evacuated up to the 90% of the transformers capacity and any excess generation will be curtailed.
- 5.3 The matter was also taken up at the level of the Govt. of Andhra Pradesh and an order dated 01.07.2019 was issued constituting a High Level Negotiation Committee to review, negotiate and bring down the high wind & solar purchase prices. Based on the recommendation of the aforesaid committee, the wind power prices were reduced to Rs. 2.43/- per unit.
- 5.4 The Govt. of Andhra Pradesh Order dated. 01.07.2019 and letters dated 12.07.2019 were challenged before the Hon'ble High Court of Andhra Pradesh by various Wind and Solar Power Developers by

way of a Writ Petition and the Hon'ble High Court stayed the operation of the order and letter dated 12.07.2019. However, as alleged by the applicant, there was a phenomenal rise in the curtailment instructions issued by the second and third respondents.

- 5.5 Aggrieved by the same, the Wind Generators on 01.08.2019 filed I.A.s in the abovesaid Writ Petition which were disposed of in terms that the APTRANSCO/APSLDC shall discharge their statutory functions fairly and refrain from arbitrary curtailment of power generation. However, the fact remained that the curtailment of power continued and the Appellants filed O.P. No.54 of 2019 along with IA before the State Commission seeking directions against the Respondents. The State Commission passed the impugned order on 14.07.2020 with a direction to the Respondents to allow power evacuation up to 70% of the aggregate wind power generation.
- 5.6 The Applicant/Appellant is aggrieved because of the fact that its evacuation has been allowed only to 70% instead of earlier 79.52%, which were being allowed after commissioning of the second ICT after repair.
- 5.7 **Per contra**, learned counsel appearing for second & third respondent contended that Uravakonda sub-station is connected to several wind generation plants with an aggregate installed capacity of about 1845 MWs whereas evacuation facility at the sub-station is only 1630 MVA and keeping contingency margins for the transformers and N-1 redundancy criteria, the total capacity works out to about 1243 MVA whereas power of about 1291 MW (70% of the aggregate capacity) is being facilitated for evacuation of wind generation as per the APERC order.

- 5.8 Learned counsel for the second & third Respondents highlighted that it is absolutely necessary to maintain N-1 criteria at the Uravakonda sub-station keeping in view the problem faced in other states in similar conditions. Learned counsel cited the example of Akal sub-station at Rajasthan where frequent outage/breakdown of ICTs were reported and their cause of failure was duly analysed by the Northern Region Standing Committee on Transmission and highlighted the absence of N-1 criteria. Learned counsel for the second and third Respondents submitted that APSLDC is the statutory body responsible for ensuring integrated operation of the power system in the State of Andhra Pradesh so as to inter alia, monitor the grid in order to maintain safety of the grid. Needless to mention that the grid security and safety can be ensured only by optimum scheduling and despatch of electricity within the State with proper coordination with all the stakeholders.
- 5.9 Learned counsel for the second and third Respondents submitted that as decided earlier, to facilitate more evacuation of generation as part of 6745 MW evacuation scheme, 220 kV Borampalli-kalyanadurg line was proposed which is at present under construction. He further submitted that the said line could not be completed at some locations due to "Right of Way (ROW)" problems encountered in the field during execution of line works. After completion, there will not be any problem for evacuation of generation from various wind power generators and besides meeting N-1 criteria, the wind power generation to their full capacity can be evacuated.

In view of the above, we are of the opinion that under the prevailing circumstances at Uravakonda sub-station, the evacuation upto 70% of the wind power generation, as decided by APERC in consultation with second and third respondents appears to be justified. Though, the applicant/appellant is not able to evacuate about 9% more over the allowed percentage by the State Commission / Respondents, at the same time, the grid stability / security cannot be compromised which otherwise can create overloading of ICTs at Uravakoda sub-station which are required to be operated under N-1 criteria. Further, it is not out of context to mention that in case of failures of ICTs as experienced in the past would render the wind generators to even more generation and financial loss. Moreover, the present arrangement of 70% evacuation would be till the 220 kV Borampalli-kalyanadurg line is commissioned.

5.11 Accordingly, we are not inclined to interfere with the optimum scheduling and despatch (70%) decided by the State Commission / Respondents.

5.12 The instant application being IA No.980 of 2020 (*Appln. for interim relief*) in Appeal No. 126 of 2020 is disposed of in above terms.

List the main Appeal on **22.10.2020.**

Pronounced in the Virtual Court on **11th day of September, 2020.**

(S.D. Dubey)
Technical Member

(Justice Manjula Chellur)
Chairperson

pr