

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

W.P.No. of 2024

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AMARAVATI
Dt:23.08.2024

Counsel for the Petitioner

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**MEMORANDUM OF WRIT PETITION
(UNDER SPECIAL ORIGINAL JURISIDCTION)
(UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA)**

**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI**

W.P. NO. OF 2024

BETWEEN:

**New and Renewable Energy Development Corporation of A.P.
Limited**

(Through its Vice Chairman and Managing Director)

#12-464/5/1, River Oaks Apartment,

CSR Kalyana Mandapam Road,

Tadepalli, Guntur district – 522 501

.....Petitioner

AND

- 1. Ministry of Power, Government of India
(through the Secretary)
Shram Shakti Bhawan,
Rafi Marg, New Delhi**
- 2. Ministry of New and Renewable Energy,
Government of India (through the Secretary),
Atal Akshay Urja Bhawan,
CGO Complex, Lodhi Road,
New Delhi – 110 003**
- 3. Central Electricity Regulatory Commission
(through the Secretary)
Chandralok Building,
36, Janpath, New Delhi – 110 001**
- 4. Central Transmission Utility of India Limited
(through its Chief Operating Officer)
First floor, Saudamini,
Plot no. 2, Sector – 29,
Near IFFCO Chowk Metro Station
Gurgaon – 122 001, Haryana**

- 4-
5. **Government of Andhra Pradesh**
(through the Chief Secretary)
A.P. Secretariat, Velagapudi,
Andhra Pradesh – 522 503
 6. **Department of Energy, Government of Andhra Pradesh**
(Through the Special Chief Secretary)
A.P. Secretariat, Velagapudi,
Andhra Pradesh – 522 503
 7. **Solar Energy Corporation of India**
(through its Chairman and Managing Director)
6th Floor, Plate-B, NBCC Office Block Tower-2,
East Kidwai Nagar, New Delhi-110023
 8. **NHPC Limited**
(through the Chairman & Managing Director)
NHPC Office Complex,
Sector-33, Faridabad – 121003, Haryana
 9. **NTPC Limited**
(through the Chairman & Managing Director)
NTPC Bhawan, SCOPE Complex, 7, Institutional Area,
Lodi Road, New Delhi-110003
 10. **SJVN Limited**
(through the Chairman & Managing Director
and Director (Personnel))
Corporate Head Quarters, Shakti Sadan. Shanan,
Shimla - 171006 Himachal Pradesh.
 11. **Renew Vikram Shakti Private Limited,**
Represented by its authorized signatory,
38, Ansal Chamber-II, Bhikaji Cama Place,
Delhi-110066, India.
 12. **Acme Cleantech Solutions Private Limited,**
Represented by its authorized signatory,
Plot No 152, Sector 44, Gurugram-122 002, Haryana, India.
 13. **Hero Solar Energy Private Limited.**
Represented by its authorized signatory,
201, Ground Floor, Okhla Industrial Estate,
Phase-III, New Delhi-110020.

... Respondents

-5-

The address for service on the above named Petitioner is that of its counsel M/s. Doddala Yathindra Dev (18450), Advocate, 4th floor, ALR Dream Homes Apartment, Near CSR Kalyana Mandapam, Ashramam Road, Tadepalle, Guntur District-522501.

For the reasons stated in the accompanying Affidavit, it is prayed that this Hon'ble Court may be pleased to issue a writ of mandamus or any other writ, order, direction:

- (i) to declare the actions of the Respondent Nos.3 & 4 in not considering and honoring the request of the Petitioner vide Letter bearing NREDCAP/WE/CTU/2023 dated 17.10.2023 and Letter bearing ENE01-APRE/6/2023 dated 23.01.2023 issued by Respondent No. 6 as arbitrary, illegal, discriminatory, violative of principles of natural justice as well as contrary to the provisions of the Electricity Act, 2003 and the objectives envisaged under the National Tariff Policy; and consequently, direct the Respondents 1 to 4 and 7 to 10 and other REIA CPSUs to include the permissions/approvals of the Petitioner/State Government as a mandatory pre-requisite before according power evacuation approvals to renewable energy developers applying for connectivity through all existing and upcoming/under development substations of the Respondent No.4 as well as for the current and future renewable energy projects being set up in the State of Andhra Pradesh;
- (ii) to direct the Respondents 1 to 4 and 7 to 10 to cancel all the power evacuation approvals granted to various developers including Respondents 11 to 14 herein in the 400/220 kV S/S in Anantapur, Andhra Pradesh and 765/400/220 kV S/S in Kurnool, Andhra Pradesh and reconsider them afresh after making the prior approval of the Petitioner/State Government a mandatory pre-requisite for grant of power evacuation approvals;

- 6 -
- (iii) to declare the Order dated 30.08.2023 in Petition No. 211/MP/2023 along with IA No.48/2023 and Petition No.218/MP/2023 passed by Respondent No.3 CERC granting approval to the evacuation facility at installed capacity to Respondents 11 & 12 in the State of Andhra Pradesh without arraying the petitioner Nodal Agency and Respondent No.6 as a party is arbitrary, illegal and violative of principles of natural justice; and
- (iv) Pass such other Order/s as this Hon'ble may deem and fit in the facts and circumstances of the case and in the interests of justice.

AMARAVATI

Date: 27.08.2024

Counsel for the Petitioner

Guntur District

HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI

W.P. NO. OF 2024 /

WRIT PETITION

Filed by:

M/s. Doddala Yathindra Dev (18450)
Advocate
Counsel for the Petitioner

6(A)

HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

W.P.NO.

of 2024

Between:

New and Renewable Energy Development Corporation of A.P. Limited.

..Petitioner/s

AND

Ministry of Power, Government of India,
(through the Secretary)

Shram Shakti Bhawan,
Rafi Marg, New Delhi and others.

..Respondent/s

LIST OF EVENTS

Annexure – I

S. No.	Date	Description of the Events	Page Nos. in affidavit	Para Nos. in affidavit
1		The present WP is filed challenging the action of the 2 nd respondent in changing the nature of the land to an extent of Ac.0.10 Cts. in Sy.No.55/2E2 situated at Ramnagar, Guntur, Guntur District inspite of pendency of W.P.No.40371 of 2012 for returning the land in favour of the petitioner in terms of Rule 10 (3) of the A.P. Municipalities (Layout) Rules, 1970 is illegal and arbitrary.		2
2		Originally, my husband Late C. Bhaskar Reddy was the absolute owner and possessor of land to an extent of Ac.1.16 Cts. in Sy.No.55/2E2. He made an application to the 2 nd respondent herein for approval of layout in the year 2000. In response to the same, the 2 nd respondent sent a proposal to the Director of Town & Country Planning. Accordingly, he issued proceedings Dt.07.07.2000 approving the layout vide L.P.No.58/2000 into 12 parts with an open site of 10% kept for public purpose which should be handed over to the 2 nd respondent under registered gift deed. Admittedly, my husband had executed a deed of settlement transferring Ac.0.10 Cts., in favour of 2 nd respondent in compliance of Rule 10 (2) of the Rules, 1970.		3
3		In pursuant to the approved layout, my husband sold the plots to various persons adhering to law. In		4

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		<p>respect of Ac.0.10 Cts., lying and the said land was not utilized for any public purpose as on today also. As a matter of fact, the said Ac.0.10 Cts., was kept idle and the 2nd respondent had not been proposed for any public purpose. In these circumstances, my husband Late C. Bhaskar Reddy made a representation on 02.03.2009 to the 2nd respondent, to return the said land on payment of market value since as per Rule 10 (3), it can be returned in favour of petitioner's husband, but no action has been taken. However, again on 11.09.2012, once again submitted a representation to the 2nd respondent and renewed my request for returning the land on payment of market value. But, the 2nd respondent failed to act upon.</p>		
4		<p>To my shock and surprise, taking advantage of my old age, now, the staff of the 2nd respondent i.e., the Supervisor and the Town Planning staff visited the site on 19.08.2024 and took measurements of the subject land without assigning any valid reasons. In this context, my son approached the 2nd respondent and his staff and explained about the pendency of the writ petition with a request to not to undertake any measurements or initiate any steps for changing the nature of the land since the petitioner is entitled for returning of land under Rule 10 (3) of the Layout Rules and the <i>lis</i> is pending before the Hon'ble Court. At this juncture, initiating steps for change of nature of land amounts to depriving my legal right.</p>		5
5		<p>The petitioner learnt that the acquaintance of listing of the W.P. which was filed by my husband in the year 2012 and is coming up for final adjudication. It is further submitted that as on today, the 2nd respondent not rejected my application for returning the land, therefore, it is presumed that the land can be deemed to be returned to the petitioner. In addition to that, admittedly, as on today, the said land is fallen vacant and it is not even utilized any sort of purpose. Therefore, unless and until the adjudication ends up with any decision with regard to returning the land in terms of Rule 10 (3) of the Layout Rules, 1970, the 2nd respondent cannot act in contrary to the Rules made there under. Being old aged and law abiding citizen, I have been pursuing my legal right before this Hon'ble Court and the same is pending adjudication since the 2nd respondent in spite of lapse of 15 years from the date of my request, no steps</p>		6

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	being taken. Now, inventing a cause of action amounts to depriving my illegal right. As a matter of fact, since the petitioner obtained information vide Rc.No.2133/2012/G1, Dt.12.10.2012 under RTI Act, 2005 with regard to allotment under rule 10 (3) of the Layout Rules, the 2 nd respondent furnished information that as per GO 62, Dt.28.01.1970, the land can be converted into layout. It seems, the 2 nd respondent is considering in similar circumstances, but whereas, the petitioner's case was not considered as on today for the reasons best known to them.		
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ANNEXURE-II
Under Article 226 of Constitution of India.

Amaravati
DATE: 27.08.2024

Counsel for the Petitioner

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**IN THE HIGH COURT FOR THE STATE OF ANDHRA PRADESH:
AT AMARAVATI**

W.P. NO. OF 2024

BETWEEN:

New and Renewable Energy Development Corporation of A.P. Limited

(Through its Vice Chairman and Managing Director)
#12-464/5/1, River Oaks Apartment, CSR Kalyana Mandapam Road, Tadepalli, Guntur district – 522 501

.....Petitioner

AND

1. **Ministry of Power, Government of India** (through the Secretary)
Shram Shakti Bhawan,
Rafi Marg, New Delhi
2. **Ministry of New and Renewable Energy, Government of India** (through the Secretary),
Atal Akshay Urja Bhawan,
CGO Complex, Lodhi Road,
New Delhi – 110 003
3. **Central Electricity Regulatory Commission** (through the Secretary)
Chandralok Building,
36, Janpath, New Delhi
4. **Central Transmission Utility of India Limited** (through its Chief Operating Officer)
First floor, Saudamini,
Plot no. 2, Sector – 29
Near IFFCO Chowk Metro Station
Gurgaon – 122 001, Haryana

For New and Renewable Energy Development Corporation of A.P. Ltd.

[Signature]
Dy. General Manager (Tech.) (IC)

For New & Renewable Energy Development Corporation of Andhra Pradesh Ltd.

[Signature]
Deponent
Vice Chairman & Managing Director

[Signature]
Dy. General Manager (Tech.) (IC)

8.

5. **Government of Andhra Pradesh**
(through the Chief Secretary)
A.P. Secretariat, Velagapudi,
Andhra Pradesh – 522 503
6. **Department of Energy, Government of Andhra Pradesh**
(Through the Special Chief Secretary)
A.P. Secretariat, Velagapudi,
Andhra Pradesh – 522 503
7. **Solar Energy Corporation of India**
(through its Chairman and Managing Director)
6th Floor, Plate-B, NBCC Office Block Tower-2,
East Kidwai Nagar, New Delhi-110023
8. **NHPC Limited**
(through the Chairman & Managing Director)
NHPC Office Complex,
Sector-33, Faridabad – 121003, Haryana
9. **NTPC Limited**
(through the Chairman & Managing Director)
NTPC Bhawan, SCOPE Complex, 7, Institutional Area,
Lodi Road, New Delhi-110003
10. **SJVN Limited**
(through the Chairman & Managing Director
and Director (Personnel))
Corporate Head Quarters, Shakti Sadan, Shanan,
Shimla - 171006 Himachal Pradesh.
11. **Renew Vikram Shakti Private Limited,**
Represented by its authorized signatory,
38, Ansal Chamber-II, Bhikaji Cama Place,
Delhi-110066, India.
12. **Acme Cleantech Solutions Private Limited,**
Represented by its authorized signatory,
Plot No 152, Sector 44, Gurugram-122 002, Haryana, India.

For New & Renewable Energy
Development Corporation of A.P. Ltd


Dy. General Manager (Tech.) (IC)

For New & Renewable Energy Development
Corporation of Andhra Pradesh Ltd


Vice Chairman & Managing Director

- 9
13. **Hero Solar Energy Private Limited,**
Represented by its authorized signatory,
201, Ground Floor, Okhla Industrial Estate,
Phase-III, New Delhi-110020

...Respondents

AFFIDAVIT FILED ON THE BEHALF OF THE PETITIONER

I, K. V. N. Chakradhar Babu, I.A.S., S/o. Sri. K. Bhaskara Rao, aged about 40 years, R/o. Vijayawada, working as Vice Chairman and Managing Director of New & Renewable Energy Development Corporation of A.P. Limited (NREDCAP) having its office at 12-464/5/1, River Oaks Apartments, CSR Kalyana Mandapam Road, Tadepalli, Guntur, AP, do hereby solemnly affirm and state on oath as under:

1. I humbly submit that I am the Authorized Representative of the New and Renewable Energy Development Corporation of A.P. Limited (hereinafter "Petitioner"), and I am authorized to depose and sign this Affidavit on behalf of the Petitioner. I further submit that I am conversant with the facts of the present case.

2. It is submitted that the present Writ Petition (hereinafter "Petition") is being filed by the Petitioner under Article 226 of the Constitution of India, seeking issuance of a Writ of Mandamus being aggrieved by the actions of the Respondent Nos. 3 & 4 in not considering and honoring the request of the Petitioner vide Letter bearing NREDCAP/WE/CTU/2023 dated 17.10.2023 and Letter bearing ENE01-APRE/6/2023 dated 23.01.2023 issued by Respondent No. 6 as arbitrary, illegal, discriminatory, violative of principles of natural justice as well as contrary to the provisions of the Electricity Act, 2003 and the

For New & Renewable Energy
Development Corporation of A.P. Ltd.


Dy General Manager (Tech.) (I/C)

For New & Renewable Energy Development
Corporation of Andhra Pradesh Ltd.


Deponent
Vice Chairman & Managing Director

scheme envisaged under the National Tariff Policy; and direct the Respondents 1 to 4 and 7 to 10 and other REIA CPSUs to include the permissions/approvals of the Petitioner/State Government as a mandatory pre-requisite before according power evacuation approvals to renewable energy developers applying for connectivity through all existing and upcoming/under development substations of the Respondent No.4 as well as for the current and future renewable energy projects being set up in the State of Andhra Pradesh.

ARRAY OF PARTIES:

3. It is submitted that the Petitioner herein is New & Renewable Energy Development Corporation of Andhra Pradesh Limited, which is the designated State Nodal Agency for promotion of all categories of renewable power projects in Andhra Pradesh. The Petitioner has also been entrusted with the responsibility to (i) facilitate the required clearances for all renewable power projects at the State and Central Government levels; (ii) facilitate to avail loans from IREDA/ PFC/ REC and other term loan Agencies/ Commercial Banks as required by the developers; and (iii) regulate the allotment of wind, solar, wind-solar hybrid power projects and other category of renewable power projects.

4. It is submitted that the Respondent No. 1 is the nodal ministry of Government of India primarily responsible for the development of electrical energy in the country. The Ministry is concerned with perspective planning, policy formulation, processing of projects for investment decision, monitoring of the implementation of power projects, training and manpower development and the administration and

For Attestor
New & Renewable Energy
Development Corporation of A.P. Ltd.

W. S. Brajanna

General Manager (Tech.)

For New & Renewable Energy Development
Corporation of Andhra Pradesh Ltd.
Deponent

[Signature]
Vice Chairman & Managing Director

enactment of legislation in regard to thermal, hydro power generation, transmission and distribution. The Ministry of Power is responsible for the Administration of the Electricity Act, 2003, the Energy Conservation Act, 2001 and to undertake such amendments to these Acts, as may be necessary from time to time, in conformity with the Government's policy objectives.

5. It is submitted that the Respondent no. 2 is the nodal Ministry of the Government of India for all matters relating to new and renewable energy. The broad aim of the Ministry is to develop and deploy new and renewable energy to supplement the energy requirements of the country. The Ministry of New and Renewable Energy is inter alia responsible for the development of New and Renewable Energy Sources, along with the implementation of the bidding guidelines under Section 63 of Electricity Act, 2003 and to undertake such amendments to these Acts as may be necessary from time to time, in conformity with the Government's policy objectives related to renewable energy projects.

6. It is submitted that the Respondent no. 3 is the statutory Central Electricity Regulatory body, functioning under Section 79 of the Electricity Act 2003. It regulates the transmission of electricity between states, including setting tariffs and issuing licenses for transmission and trading.

7. It is submitted that the Respondent no.4 i.e., the Central Transmission Utility of India Limited ("CTUIL") is a Government of India enterprise and a wholly owned subsidiary of Power Grid Corporation of India Limited. It is responsible for undertaking transmission of electricity through Inter State Transmission System (ISTS) and discharge all

For New & Renewable Energy
Development Corporation of A.P. Ltd.
[Signature]
Dy. General Manager (Tech.) (I/C)

For New & Renewable Energy Development
Corporation of Andhra Pradesh Ltd.
[Signature]
Deponent
Vice Chairman & Managing Director

12.

functions of planning and coordination under section 38 of Electricity Act, 2003.

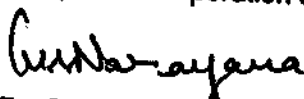
8. It is submitted that the Respondent no. 5. is the State Government of Andhra Pradesh and is as such responsible for setting out policies and administration/implementation of such policies by the various departments as well as various developments taking place across the State of Andhra Pradesh.

9. It is submitted that the Respondent no.6. is the Energy Department of the Government of Andhra Pradesh and therefore, responsible for the growth and development of the electricity sector as well as renewable energy projects across the State of Andhra Pradesh.

10. It is submitted that the Respondent no.7. i.e., the Solar Energy Corporation of India is a CPSU under the administrative control of the Ministry of New and Renewable Energy, set up on 20.09.2011 to facilitate the implementation of National Solar Mission (NSM) and achievement of targets set therein.

11. It is submitted that the Respondent no. 7, 8, 9 &10 are Renewable Energy Implementing Agencies ("REIA"). They implement Programmes formulated by the Govt of India in close coordination with State Nodal Agencies, like the petitioner, by continuously conducting and raising various bids from time to time to meet the Country's target to achieve 500 GW by 2030.

For New & Renewable Energy
Development Corporation of A.P. Ltd.



Dy. General Manager (Tech.) (I/C)

For New & Renewable Energy Development
Corporation of Andhra Pradesh Ltd.


Vice Chairman & Managing Director

12. It is submitted that the subject writ petition has been filed challenging the actions of the Respondent no. 4 in not ensuring the consultation with the Petitioner and the Respondent nos. 5 and 6 before allotment of evacuation capacities to various renewable energy developers at the upcoming 400/200 kV grid substation being constructed by the Respondent No.4 at Anantapur and Kurnool.

13. It is submitted that presently, renewable energy projects are being set up under two different modes i.e., firstly through Central Public Sector undertaking ("CPSU") and REIAs of the Government of India through competitive bidding. These bids are conducted under the Guidelines for Tariff Based Competitive Bidding Process for procurement of power from Grid Connected Wind Solar Hybrid Projects issued by the Ministry of New and Renewable Energy i.e., Respondent no. 3 herein vide Circular No. F.No.238/78/2017-Wind dated 14.10.2020. Secondly, it is through proposals accepted by the State Government, which in the present case being the State Government of Andhra Pradesh.

14. It is submitted that the Government of Andhra Pradesh is keen to harness the huge solar and wind potential of the State to meet its growing energy demands in an environmentally sustainable manner. Several initiatives such as investor friendly solar and wind power policies, large scale solar park(s) development, green corridor investment for power evacuation and power procurement through PPA's with APDISCOMs have been undertaken to promote RE capacity addition. The Government of Andhra Pradesh has set a target to achieve 18,000 MW of renewable energy capacity by the year 2021-22, which is 10% of the national target.

For New & Renewable Energy
Development Corporation of A.P. Ltd.


Dy. General Manager (Tech.) (I/C)

For New & Renewable Energy Development
Corporation of Andhra Pradesh Ltd.
Deponent

Vice Chairman & Managing Director

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15. It is submitted that the solar and wind power potential in the State of Andhra Pradesh is concentrated in the Rayalaseema belt, and studies reveal that their generation profile is complementary to each other. Government of Andhra Pradesh has from time-to-time issued policies that enable the development of renewable energy projects in the State of Andhra Pradesh, namely Andhra Pradesh Wind Power Policy 2015, Andhra Pradesh Solar Power Policy 2015, Andhra Pradesh Solar Power Policy 2018, Andhra Pradesh Wind Power Policy 2018, Andhra Pradesh Wind Solar Hybrid Power Policy 2018 and A.F. Renewable Energy Export Policy 2020. The copies of the Andhra Pradesh Wind Power Policy 2015, Andhra Pradesh Solar Power Policy 2015, Andhra Pradesh Solar Power Policy 2018, Andhra Pradesh Wind Power Policy 2018, Andhra Pradesh Wind Solar Hybrid Power Policy 2018 and A.P. Renewable Energy Export Policy 2020 are filed and denoted as Annexure [1], Annexure [2], Annexure [3], Annexure [4], Annexure [5] and Annexure [6].

16. It is submitted that the suitable policy interventions are therefore, required not only for new Wind-Solar Hybrid Plants, but also for encouraging hybridization of existing wind and solar plants. The Government of Andhra Pradesh is keen to encourage wind solar hybrid projects in order to harness the combined potential of these clean energy sources in an optimal manner and to help contribute towards grid stability. The Government of Andhra Pradesh proposed to promote Wind-Solar Power projects, in line with National Wind Solar Hybrid Power Policy notified by the MNRE to enable better utilization of common infrastructure and related facilities. A hybrid wind solar project can help in optimal

For ~~Atask~~ Renewable Energy
Development Corporation of A.P. Ltd.

Geetha Rayana
General Manager (Tech) (C)

For New & Renewable Energy Development
Corporation of Andhra Pradesh Ltd.

[Signature]
Vice Chairman & Managing Director

15

utilization of transmission infrastructure. The Government of Andhra Pradesh is keen to encourage wind solar hybrid projects in order to harness the combined potential of these clean energy sources in an optimal manner and to help contribute towards grid stability. Accordingly, the Government of Andhra Pradesh issued the Andhra Pradesh Wind-Solar Hybrid Power Policy, 2018.

17. It is submitted that in order to ensure that the policies of the Government of Andhra Pradesh are implemented in the true letter and spirit, the Government of Andhra Pradesh has bestowed this responsibility to the Petitioner which is the designated State Nodal Agency (SNA) for a healthy and orderly growth of the renewable energy industry has set out clear policies for Wind, Solar, Wind Solar Hybrid and Renewable Energy Export to ensure the systematic and orderly growth of the renewable energy sector and the Petitioner was identified to implement the set policies. For avoidance of any doubts, the petitioner is the only nodal agency as per all the following policies i.e.,

- a. AP Wind Power Policy 2015 (G.O.Ms No. 9 dated 13.02.2015)
- b. AP Solar Power Policy 2015 (G.O.Ms No. 8 dated 12.02.2015)
- c. AP Wind Power Policy 2018 (G.O.Ms. No. 2 dated 03.01.2019)
- d. AP Solar Power Policy 2018 (G.O.Ms. No. 1 dated 03.01.2019)
- e. AP Wind – Solar Hybrid Power Policy 2018 (G.O.Ms. No. 3 dated 03.01.2019)
- f. AP Renewable Energy Export Policy 2020 (G.O.Ms No. 20 dated 17.07.2020)
- g. AP Pumped Storage Power Promotion Policy 2022 (G.O.Ms No. 25 dated 20.12.2022)
- h. AP Green Hydrogen & Green Ammonia Policy 2023 (G.O.Ms No. 14 dated 20.06.2023)

For New & Renewable Energy
Development Corporation of A.P. Ltd.


Dy. General Manager (Tech.) (I/C)

For New & Renewable Energy Development
Corporation of Andhra Pradesh Ltd.


Deponent
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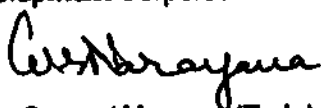
18. It is submitted that under the Andhra Pradesh Wind-Solar Hybrid Power Policy, 2018, Government of Andhra Pradesh set out the role of the State Nodal Agency i.e; the Petitioner herein, which is provided in Clause 10 of the said policy and Clause 10 is reproduced below for ease of reference:

"10. Nodal Agency

- i. NREDCAP shall act as a Nodal Agency under this policy and as decided by the government from time to time.*
- ii. Nodal Agency and/or designated offices by the Nodal Agency shall be responsible for facilitating single window clearance of projects for the following activities:*
 - a. Registration of projects*
 - b. Allotment of capacity of projects*
 - c. Processing of proposals for allotment of revenue land or Forest land, as per the provisions of AP Wind Power Policy and AP Solar Power Policy.*
 - d. Arranging approval for power evacuation plan and open access.*
 - e. Arranging other statutory clearances/approvals, if any.*
 - f. Co-ordination with MNRE/SECI/APTRANSCO/APDISCOMs and other central and state agencies."*

19. It is submitted that in order to regulate and carry out the roles and responsibilities of the State Nodal Agency, the Petitioner has developed various procedures. The proposals received from eligible developers as per the provisions of the AP Wind-Solar Hybrid Power Policy, 2018, as well as other policies of the State, along with non-refundable processing fee of Rs. 25,000/- per MW are processed by the Petitioner duly taking into consideration of the policies of Government of India, Government of Andhra Pradesh, provision of signing of PPAs, prevailing RPPO against

For New & Renewable Energy
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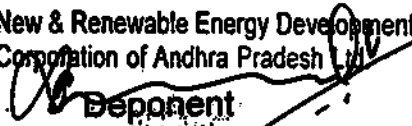
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requirement as per the regulations and availability of grid feasibility for evacuation of power from the hybrid power plants. Moreover, the Petitioner also appraises to the eligible developers whether the proposal is technically, financially and commercially feasible. While granting new capacities, the Petitioner takes into consideration the existing installed capacity, existing generating capacity, required installed capacity and generating capacity. Upon satisfactory checks on all fronts, the capacities are allotted to successful developers upon payment of necessary allotment fee and bank guarantee. These checks and processes ensure a systematic and scientific development of the renewable energy resources available in the State of Andhra Pradesh.

20. It is submitted that the Government of India through the Ministry of New and Renewable Energy has also issued numerous policies and guidelines for the growth and development of renewable energy. The Ministry of New and Renewable Energy issued the Guidelines for Tariff Based Competitive Bidding Process for Procurement of Power from Grid Connected Wind Power Projects vide Circular no. No. 23/54/2017-R&R.—1 dated 08.12.2017. Also, the Ministry of New and Renewable Energy issued the Guidelines for Tariff Based Competitive Bidding Process for procurement of power from Grid Connected Wind Solar Hybrid Projects issued by the Ministry of New and Renewable Energy i.e; Respondent no. 3 herein vide circular no. F. No. 238/78/2017-Wind dated 14.10.2020 (hereinafter referred as the "Guidelines"). These Guidelines have been issued to provide a framework for promotion of large grid connected wind-solar PV hybrid system for optimal and efficient utilization of transmission infrastructure and land, reducing the variability in

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renewable power generation and achieving better grid stability. The Guidelines dated 14.10.2020 are filed and denoted as Annexure [7]. These Guidelines have been issued in furtherance to the Wind-Solar Hybrid Policy dated 14.05.2018 and as part of the mandate in Section 63 of the Electricity Act 2003, which requires the Government of India to issue such guidelines for competitive procurement of electricity from grid connected wind-solar hybrid projects by distribution licensees. It is pertinent to mention that even the Guidelines also acknowledge the importance of the role of state nodal agencies. Clause 21 of the Guidelines provides as follows:

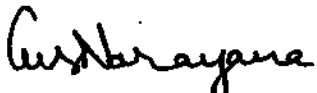
"21. Role of State Nodal Agencies


The State Nodal Agencies appointed by respective State Governments will provide necessary support to facilitate the required approvals and sanctions in a time bound manner so as to achieve commissioning of the projects within the scheduled timeline. This may include facilitation in the following areas:

- Coordination among various State and Central agencies for speedy implementation of projects.
- Support during commissioning of projects."

21. It is submitted that in pursuance to the Guidelines, Respondent No.7 issued a tender bearing no. RFS no. SECI/C&P/IPP/13/007/22-23 dated 02.11.2022 and tender search code on ISN-ETS: SECI-2022-TN00024 issued as Request for Selection for Selection of Hybrid Power Developers ("HPD") for Setting Up of 1200 MW ISTS connected Wind-Solar Hybrid Power Projects with assured Peak Power Supply in India under Tariff-based Competitive Bidding (RFS). It is relevant to mention

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that the Respondent No. 7 is a CPSU and REIA under the administrative control of the Ministry of New and Renewable Energy. Further, it is also relevant to state that as per Clause 16 of the RFS issued as per competitive bidding guide lines provided by govt of India under section 63 of Electricity Act 2003, the selected bidders are required to approach the State Nodal Agency for seeking permissions and approvals under the applicable policies. The relevant part of Clause 16 is reproduced below for ready reference.

"The HPD shall be required to follow the applicable rules regarding project registration with the State Nodal Agency in line with the provisions of the applicable policies/regulations of the State where the Projects are being located. It shall be the responsibility of the HPD to remain updated about the applicable charges payable to the SNA under the respective State Policies."

(Emphasis Supplied)

22. It is submitted that the aforementioned RFS gives liberty to the participating developers to set up their project at any location, but the choice of the connecting grid substations maintained by the Respondent no. 4 is limited to the following. Clause 7.2 of the said RFS is reproduced below for ease of reference.

"7.2 Designated Delivery Points: It may be noted that although selection of location of the Projects is under the scope of the Bidder/HPD, in order to align Project installation with installation / augmentation of the necessary transmission and evacuation infrastructure, choice of the Delivery Point for the Projects shall be limited to the following list of substations belonging to the ISTS network:

1. **400/230 kV S/S in Anantapur, Andhra Pradesh**
2. **765/400/220 kV S/S in Kurnool, Andhra Pradesh**

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Attestor

[Signature]
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Deponent
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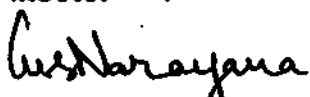
3. 440/220 kV S/S in Bidar, Karnataka
4. 400/220 kV S/S in Osmanabad, Maharashtra
5. 400/220 kV S/S in Rajgarh, Madhya Pradesh
6. 765/400/220 kV S/S in Næemuch, Madhya Pradesh
7. 400/230 kV S/S in Karur, Tamil Nadu....."

The Copy of the RFS no. SEC/C&P/IPP/13/007/22-23 dated 02.11.2022 is filed and denoted as Annexure [8].

23. It is submitted that the Renewable Energy like wind have limited availability across the country when compared to Solar Power which has larger availability. The sources of generating wind energy are few and only in few pockets. Even the State of Andhra Pradesh, which has one of the largest potential of wind energy in the country, has limited wind energy resources in only few districts. Since Andhra Pradesh is a key hub for renewable energy generation, and considering that many renewable projects, similar to those mentioned in paragraphs 19 and 20 above, will be established in the state, the Government of Andhra Pradesh sought to implement its policies and promote coordination among the relevant agencies and departments. It is germane to state that Electricity is a concurrent subject under Schedule VII of the Constitution of India. While it allows the Central Government to focus on National level planning and policies, the State Government has the power to make rules and policies related to Electricity for the State, while addressing specific needs and issues within their jurisdiction.

24. It is submitted that in order to attain its objectives laid down in various policies, the State of AP had designated the petitioner as the

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nodal agency for facilitating the developers to obtain various clearances for execution of the projects by coordinating with central and state government departments/ agencies. A brief account of the manner in which the approvals are provided to the developers by the petitioner are as follows:

- a. The Developer submits application to the petitioner for capacity allotment in the prescribed format along with prerequisite documents like DPR, technical & financial capabilities, net-worth certificate, land classification details, project boundary earmarked on topo sheet, etc.
- b. The Developer pays requisite application processing fee along with the application. (Rs. 25,000 per MW + GST).
- c. In respect of Wind Power Projects, the petitioner is authorized for capacity allotment up to 40 MW and to recommend capacity allotment beyond 40 MW to the Govt. of Andhra Pradesh.
- d. After evaluation of the proposal, the petitioner will recommend the proposal to Govt. of Andhra Pradesh, Energy Dept. for consideration on allocation of capacity by issuing of Government Order.
- e. While evaluating the proposal, if it is found that the boundary proposed by the developer is overlapping with the other developers, the proposal would be rejected.
- f. The State Government may also consider for allocation of revenue lands available, if any, in the demarcated project boundary on alienation (outright sale) or on lease basis.

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- g. Once the project is allotted by the State Government, the petitioner would issue proceedings duly communicating the sanction/approval and advise the developer to pay the statutory fees as per the policies notified by the Govt. of A.P.
- h. In case of wind power projects, the developer shall enter into capacity sanction agreement with petitioner duly providing Performance Bank Guarantee of Rs. 2.00 Lakhs per each MW capacity allotted.
- i. The power evacuation connectivity application of the developer will be considered by the APTRANSCO or APDISCOMs only after allocation of the project by the petitioner or Govt. of AP.
- j. In case of request for allocation of revenue lands falling within the project boundaries, the developer shall submit proposals to the petitioner as per the procedure laid down in AP Govt. land allotment policy notified by the Revenue Department, Govt. of AP.
- k. If any forest land is involved, the developer shall submit proposals through the petitioner to forest department as per the FCA rules for diversion of forest land.

25. It is evident from the aforementioned procedure that, without cooperation between the Central Government and the State of Andhra Pradesh, there is a significant risk of overlap and confusion in the allocation of land for renewable project developments. It is also imperative to note here that the renewable energy projects require land for setting up projects, which falls under Entry 18 of List II of Schedule VII of the Constitution of India. Accordingly, coordination is mandatory to be

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maintained between the State Government and the agencies/ instrumentalities for the Government of India for achieving the country's target of 500 GW by 2030.

26. It is submitted that recognizing the gravity of the issue and anticipating the problem that may arise on account of allotment of evacuation capacities by CTUIL i.e. Respondent No.4 without proper consultation with the State Government, the GoAP had issued letter dated 23.01.2023 to the CTUIL and pointed out the importance of a consultative process for a systematic development of renewable projects. The Department of Energy, Government of Andhra Pradesh more specifically Respondent no. 6 had written to the Chairman and Managing Director, CTUIL i.e; Respondent no. 4, which is the nodal agency of GOI, for Interstate Connectivity Approvals herein vide letter no. ENE01-APRE/6/2023 dated 23.01.2023 to make the approvals and permission of the State Nodal Agency – NREDCAP i.e; the Petitioner herein a prerequisite and mandatory document while according evacuation approvals on the upcoming CTUIL substations in the State of Andhra Pradesh. It also requested the CTUIL to advise the various CPSU's like Respondent no. 7, 8 and 9 SECI, NTPC & NHPC to make it a mandatory condition in their bid documents to ensure that there are no subsequent issues during project implementation. It is pertinent to mention that copy of this letter was also submitted to Respondent nos. 1, 2 and 7 as well. The relevant paragraph of the said letter is reproduced below for ready reference:

"Taking into consideration the aforesaid facts and the intent of the Central and State government to have an organized development of the RE sector, we request the CTUIL to

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Aravind
Dy. General Manager (Tech.) (I/C)

For New & Renewable Energy Development
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Deponent
Vice Chairman & Managing Director

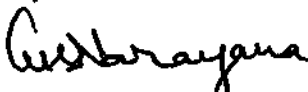
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make the approvals and permissions of the State Nodal Agency, NREDCAP a prerequisite and mandatory document for according power evacuation approvals on the upcoming CTUIL substations in the State of Andhra Pradesh under the existing connectivity guidelines and also upcoming General Network Access (GNA) for obtaining connectivity and also advice the Central Bidding Agencies like SECI, NTPC & NHPC to make this a part of their bid documents to ensure that there are no subsequent issues during the project implementation stage."

27. It is submitted that pursuant to the Letter dated 23.01.2023 issued by the Department of Energy, GoAP, the Petitioner also wrote a Letter to CTUIL bearing Letter No.NREDCAP/WE/CTU/2023 dated 17.10.2023, while referring to the letter dated 23.01.2023 written by the Department of Energy, the Petitioner urged / requested the CTUIL to make the approvals and permission of the State Nodal Agency i.e., the Petitioner herein as a prerequisite and mandatory document while according evacuation approvals. The copies of the said Letter no. ENE01-APRE/6/2023 dated 23.01.2023 and Letter no. NREDCAP/WE/CTU/2023 dated 17.10.2023 are filed and denoted as Annexure [9] & Annexure [10] respectively.

28. While matters stood thus, it appears from the Request for Selection (RFS) issued by Respondent No. 7 that obtaining permissions and approvals from the State Government has been made a precondition for setting up the projects. Despite the same, the Respondent no. 4 & 7 operated in utter disregard for the policies and directions of the Government of Andhra Pradesh and the instrumentalities of the State. The State Government and the Petitioner herein even though they made attempts to initiate consultation there has been no cooperation from the

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Respondent no. 4 CTUIL. The allotment of projects for the upcoming and under construction substations namely 400/220 kV S/S in Anantapur, Andhra Pradesh and 765/400/220 kV S/S in Kurnool, Andhra Pradesh, have been planned and issued by the CPSUs without any coordination with the Government of Andhra Pradesh or the Petitioner herein.

29. It is submitted that Respondent No. 3, i.e., CERC, without addressing the anomalies arising from the orders of the Respondent No. 4 and unduly discarding the representations of State Government and the petitioner herein had issued orders dated 30.08.2023 in Petition No. 211/MP/2023 Along with IA No.48/2023 and Petition No.218/MP/2023. The Order had approved the allotment of evacuation facilities at installed capacities to a few developers without considering the developers who had already applied and whose proposals were under consideration with the Petitioner in accordance with the RE policies of the A.P. State Government. As such, the impugned order passed by Respondent No.3 deserves to be set aside. The copy of the Order dated 30.08.2023 passed by Respondent No.3 CERC is filed and denoted as Annexure [11]. The copy of the GNA Regulations and National Electricity Policy dated 12-02-2005 are filed and denoted as Annexure [12] & [13] respectively.

30. It is submitted that, given that the Government of Andhra Pradesh has parallel policies for the development of renewable energy, the actions of CTUIL, i.e., Respondent No. 4, pursuant to the impugned order, jeopardize the State's commercial interests, development, and autonomy in utilizing its natural resources, particularly in the exploitation of renewable energy capabilities. If the situation is allowed to continue,

Attestor
For New & Renewable Energy
Development Corporation of A.P. Ltd.

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Dy. General Manager (Tech.) (I/C)

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the ability of the State Government to attract investments in renewable energy sector would be compromised. Moreover, as the substations referred above are being set up in the State of Andhra Pradesh and consequently for projects connected to the same would be developed in the State of Andhra Pradesh, it should be obligatory on the project proponents to seek the approvals and sanctions from the Petitioner, which is the State Nodal Agency, as a prerequisite, which in this particular case are not been sought as multiple evacuation capacities for majority of the substation i.e., 400/220 kV S/S in Anantapur has already been awarded to the project developers who have been awarded project capacities through the RFS. As mentioned above, the Government of Andhra Pradesh has been encouraging development of renewable energy projects in the State for the optimum utilization of available resources. The granting of evacuation facilities to developers who are not mandated to seek permission of the Petitioner prior to obtaining connectivity puts the Petitioner and the State agencies in a chaotic scenario and many of the lands in Anantapur and Kurnool districts have already been earmarked for various developers already registered with the Petitioner in pursuance policies issued by the State Government. The aforesaid facts clearly demonstrate the utter disregard shown by Respondent Nos. 1 to 4 and 7 to 10 towards the federal structure of the country, and the serious situation this creates for the State of Andhra Pradesh. Hence, the Petitioner herein is forced to seek the intervention of the Hon'ble High Court.

31. It is submitted on similar issue M/s Axis energy venture India Pvt Ltd a wind power generator has filed W.P.No.25186 of 2023 challenging

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the actions of Respondent no.3 and No.4, besides challenging the action of Respondent No.2 herein by making this petitioner as Respondent No.8 among others. The petitioner herein is contesting in the said writ and the same is pending consideration.

32. In the above facts and circumstances, and being aggrieved by the actions of the Respondent no 3 and . 4 - CTUIL, the Petitioner herein prefer the present writ petition, on the following grounds amongst other:

GROUND

- A. As electricity is a Concurrent List subject under the Constitution of India the actions of the Respondent no. 4 - CTUIL by not consulting with the Petitioner herein and setting up the grid substations in the State of Andhra Pradesh clearly encroaching upon areas of jurisdiction reserved for the State and takes away the power and mandates enshrined in the Constitution of India.
- B. The Respondent no. 4 - CTUIL by not honouring the request for cooperation of the State of AP in planning of evacuation infrastructure is clearly an example of abuse of power by the central agency's actions and is beyond the scope of its legal mandate.
- C. The actions of Respondent no. 4 is granting evacuation capacities for development of the renewable energy capacities takes away the autonomy of the State of AP and its instrumentalities to plan its economic development and power to harness and utilize its natural resources to its economic benefit and is clearly violative of the federal principles set out in the Constitution of India.

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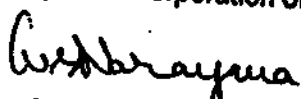
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- D. The actions of Respondent no. 4 is granting evacuation capacities for development of the renewable energy capacities without consultation with the Government of AP as well as the Petitioner is a clear disregard of the principles of natural justice or due process.
- E. The actions of Respondent no. 4 is granting evacuation capacities for development of the renewable energy capacities without consultation with the Government of AP as well as the Petitioner is clearly unreasonable, discriminatory, arbitrary and unfair treatment towards the State of Andhra Pradesh.
- F. The actions of Respondent no. 4 is granting evacuation capacities for development of the renewable energy capacities without consultation with the Government of AP as well as the Petitioner clearly hinders and disrupts the administration or governance of the States power to use and develop its economic affairs and plan the growth of renewable energy sector in the State, which undermines the State's ability to effectively govern and manage its affairs.
- G. That the Impugned Order is wholly arbitrary and issued without application of mind and taking note of the relevant considerations. Thus, the Petitioner humbly submits that the Impugned Order and the RFS are contrary to the objective of the Electricity Act 2003.
- H. The Order dated 30.08.2023 in Petition No. 211/MP/2023 Along with IA No.48/2023 and Petition No.218/MP/2023 passed by Respondent No.3 is not in compliance with the provisions of the Electricity Act, and is in excess of its jurisdiction is liable to be declared as illegal.

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33. It is submitted that, for the reasons stated above, the Petitioner has no effective and alternative remedy except to invoke the extraordinary jurisdiction of this Hon'ble Court under Article 226 of the Constitution of India. The Petitioner has not filed any Writ Petition or initiated any other proceedings before any other Court or authority for the reliefs sought for in this Writ Petition.

PRAYER

For the reasons stated in the accompanying Affidavit, it is prayed that this Hon'ble Court may be pleased to issue a writ of mandamus or any other writ, order, direction:

- (i) to declare the actions of the Respondent Nos.3 & 4 in not considering and honoring the request of the Petitioner vide Letter bearing NREDCAP/WE/CTU/2023 dated 17.10.2023 and Letter bearing ENE01-APRE/6/2023 dated 23.01.2023 issued by Respondent No. 6 as arbitrary, illegal, discriminatory, violative of principles of natural justice as well as contrary to the provisions of the Electricity Act, 2003 and the objectives envisaged under the National Tariff Policy; and consequently, direct the Respondents 1 to 4 and 7 to 10 and other REIA CPSUs to include the permissions/approvals of the Petitioner/State Government as a mandatory pre-requisite before according power evacuation approvals to renewable energy developers applying for connectivity through all existing and upcoming/under development substations of the Respondent No.4 as well as for the current and future renewable energy projects being set up in the State of Andhra Pradesh;

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- (ii) to direct the Respondents 1 to 4 and 7 to 10 to cancel all the power evacuation approvals granted to various developers including Respondents 11 to 14 herein in the 400/220 kV S/S in Anantapur, Andhra Pradesh and 765/400/220 kV S/S in Kurnool, Andhra Pradesh and reconsider them afresh after making the prior approval of the Petitioner/State Government a mandatory pre-requisite for grant of power evacuation approvals;
- (iii) to declare the Order dated 30.08.2023 in Petition No. 211/MP/2023 along with IA No.48/2023 and Petition No.218/MP/2023 passed by Respondent No.3 CERC granting approval to the evacuation facility at installed capacity to Respondents 11 & 12 in the State of Andhra Pradesh without arraying the petitioner Nodal Agency and Respondent No.6 as a party is arbitrary, illegal and violative of principles of natural justice; and
- (iv) Pass such other Order/s as this Hon'ble may deem and fit in the facts and circumstances of the case and in the interests of justice.

INTERIM PRAYERS

It is further prayed this Hon'ble Court may be pleased to suspend the operation of Order dated 30.08.2023 in Petition No. 211/MP/2023 along with IA No.48/2023 and Petition No.218/MP/2023 passed by Respondent No.3, pending disposal of the writ petition and to pass such other order or orders as the Hon'ble Court deem fit and proper in the circumstances of the case.

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Attestor


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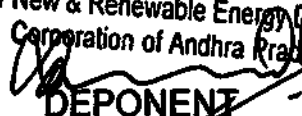
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It is further prayed this Hon'ble Court may be pleased to direct the Respondent No.4 not to grant the evacuation/connectivity approval to Respondent Nos.11 to 14, pending disposal of the writ petition, and to pass such other order or orders as the Hon'ble Court deem fit and proper in the circumstances of the case.

Solemnly affirmed and signed on
this the day of August 2024

For New & Renewable Energy Development
Corporation of Andhra Pradesh Ltd.

DEPONENT
Vice Chairman & Managing Director

For New & Renewable Energy
Development Corporation of A.P. Ltd.

ATTESTOR: AMARAVATI


Dy. General Manager (Tech.) (I/C)

VERIFICATION

I, K. V. N. Chakradhar Babu, I.A.S., S/o. Sri. K. Bhaskara Rao, aged about 40 years, R/o. Vijayawada, working as Vice Chairman and Managing Director of New & Renewable Energy Development Corporation of A.P. Limited (NREDCAP) having its office at 12-464/5/1, River Oaks Apartments, CSR Kalyana Mandapam Road, Tadepalli, Guntur, AP do hereby verify and state that the contents of the Affidavit filed in support of the accompanying Writ Petition were explained to me in English and the same is true and correct to the best of my knowledge based on information, records and legal advice.

Verified at Vijayawada on this the day of August, 2024

COUNSEL FOR PETITIONER

For New & Renewable Energy Development
Corporation of Andhra Pradesh Ltd.

DEPONENT
Vice Chairman & Managing Director

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

ENERGY, INFRASTRUCTURE & INVESTMENT DEPARTMENT - Development of Wind Power in Andhra Pradesh – Andhra Pradesh Wind Power Policy, 2015 - Orders – Issued.

ENERGY, INFRASTRUCTURE & INVESTMENT (PR.II) DEPARTMENT

G.O.MS.No. 9

Dated:13.02.2015

Read the following:

1. G.O.Ms.No.48, Energy (Res) Deptt., dated 11.04.2008.
2. G.O.Ms.No.99, Energy (Res) Deptt., dated 09.08.2008.
3. From the VC&MD, NREDCAP, Hyderabad Lr.No.NREDCAP / WE/Govt./2014, dated 25.09.2014.

ORDER :

In order to promote Wind Power Projects, the Government of Andhra Pradesh have issued orders formulating Andhra Pradesh Wind Power Policy, 2012 vide references 1st and 2nd read above. The operative period of policy was 5 years and it expired in April, 2013, Considering, the good wind power potential existing in the State and to achieve 4000 MW capacity addition through wind power during the next 5 years period, there is a need to bring out comprehensive wind power policy.

2. Government, after detailed discussions on the proposal vide reference 3rd cited with various stakeholders viz., APTRANSCO, APDISCOMs, NREDCAP Wind Power Developers and Associations etc., hereby issue the Wind Power Policy, 2015 as mentioned below:

PREAMBLE

India is amongst the largest wind power markets in the world. Wind power is already economical in comparison to conventional power sources and Andhra Pradesh has a huge wind power potential that is yet to be harnessed. The wind power potential in the combined state of Andhra Pradesh as estimated by the National Institute of Wind Energy (NIWE), formerly known as Centre for Wind Energy Technology (C-WET) is around 14,497 MW at 80 m level with maximum potential existing in the districts of Ananthapur, Kadapa, Kurnool, Chittoor and Nellore districts.

The Government of Andhra Pradesh has earlier issued "Wind Power Policy", vide G.O.Ms.No.48 dated 11.04.2008 and G.O.Ms.No.99 dated 09.08.2008, to promote wind power projects. Since the policy operative period was for five (5) years, the policy expired in April, 2013. Taking into consideration the rising power requirements of the State post bifurcation and clean energy considerations, the government of Andhra Pradesh is keen to promote wind power generation in a big way.

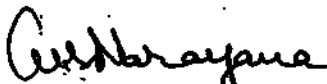
OBJECTIVES:

1. To encourage, develop and promote wind power generation in the State with a view to meet the growing demand for power in an environmentally and economically sustainable manner.
2. To attract private investment to the State for the establishment of large wind power projects.
3. To promote investments for setting up manufacturing facilities in the State, for New & Renewable Energy generate gainful local employment.

For New & Renewable Energy Development Corporation of A.P. Ltd.

For New & Renewable Energy Development Corporation of Andhra Pradesh Ltd.

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Dy. General Manager (1/C)



Vice Chairman & Managing Director

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1 Operative Period

The policy shall come into operation with effect from the date of issuance and shall remain applicable for a period of five (5) years and/ or shall remain in force till such time a new policy is issued

Wind power projects that are commissioned during the operative period shall be eligible for the incentives declared under this policy, for a period of ten (10) years from the date of commissioning – unless the period is specifically mentioned for any incentive.

2 Eligible Developers

All registered companies, Joint Venture Companies, Central and State power generation/ distribution companies and public / private sector wind power developers will be eligible for setting up of wind power projects, either for the purpose of captive/group captive use and/or for selling of electricity to the utilities or third parties, in accordance with the Electricity Act-2003, as amended from time to time.

The entity desiring to set up wind power project(s), either for sale of power and/ or for captive use/group captive use of power within or outside the State, shall inform the Nodal Agency as per the para (5) of this policy.

3 Category of Wind Power Projects

Category I	Projects set up in government/revenue lands or forest areas or assigned lands and also in private lands selling power within the state.
Category II	Projects set up for captive use or group captive use /3 rd party sale within or outside the state.
Category III	Sale of power at average power purchase cost and availing Renewable Energy Certificate (REC)

Category I: Projects set up in government / revenue lands or forest areas or assigned lands and also in private lands selling power within the State

Power generated from the wind power projects installed entirely or partly on government/ revenue land or forest areas shall be for sale within the State only.

The Govt. of A.P. may consider proposals for allotment of revenue land if available - at the wind power potential areas on first come first serve basis- based on recommendation of NREDCAP, as per the provisions of New Land Allotment Policy announced by the Government vide G.O. Ms. No: 571, Dt: 14-09-2012 of Revenue (Assignment-I) Dept.

To facilitate faster execution of projects, the district collector shall handover advance possession of land including pathways to NREDCAP and the land shall be allotted in the joint name of NREDCAP and the Developer. The concerned district collector after taking into account all the necessary undertakings of land proposal shall permit the developer to start the construction. NREDCAP shall withdraw its rights from the land once the project gets commissioned.

In case of forest areas, the developers shall submit the application through the Nodal Agency to the forest department, to consider for allotment as per the guidelines/regulations laid down by the forest department from time to time.

If the wind farm is set up in private land then the Eligible Developer shall procure the land from the landholder on their own.

Category II: Captive use or group captive use /direct sale to 3rd party sale within the State/States other than A.P. State

The State will promote wind power producers to set up wind power projects with no cap on capacity for captive use/group captive or sale of power to 3rd party within the State/States other than Andhra Pradesh. These projects will also qualify for Renewable Energy Certificates (RECs) subject to applicable regulations/ guidelines issued by the appropriate commission.

Category III: Projects under Renewable Energy Certificate Mechanism

The State will promote wind power producers to set up wind power projects with no cap on capacity for sale through Renewable Energy Certificate (REC) mechanism. The wind power producers will be required to apply for accreditation to the State Accreditation Agency and thereafter to Central Agency for registration and issuance of RE certificate under REC mechanism as per order/regulations of the appropriate commission. The power generated from these power projects shall be purchased by APDiscoms at pooled cost of power purchase as determined by APERC from time to time.

4 Capacity Allotment

The wind power projects shall be allowed in the areas notified by MNRE or in the areas where wind monitoring studies have been undertaken by MNRE/NIWE/NREDCAP/GoAP. In case wind resource assessment studies are proposed to be undertaken by the private developers, the capacity allotment will be considered only on submission of the wind data validation report of NIWE. The area applied for development of wind farm shall be clearly marked on a topo-sheet and google Map with the proposed capacity to be developed in that area.

NREDCAP shall be responsible for capacity allotment for upto 40 MW and to recommend capacity allotment beyond 40 MW to Government of AP.

5 Wind Resource Assessment studies in Private Sector

Permission for carrying out Wind Resource Assessment (WRA) and subsequent development at self-identified locations by the private entities will be given by the Nodal Agency on a first come first serve basis and will be governed by MNRE circular no. 51/9/2007-WE dated 20.06.2008 for wind measurement & subsequent development by private sector.

The applicant needs to clearly demarcate the project boundaries in a topo-sheet (scale 1:50000) where it is proposed to conduct the WRA study. All applications received will be scrutinised to ensure that the site identified has not been allotted to any other entity for WRA study as on the application date or is not within 5km radius from NIWE/NREDCAP proven or on-going wind masts as on the application date. Such WRA studies shall be completed within 24 months from date of signing of MoU with NREDCAP.

After completion of wind monitoring exercise, the applicant will be provided an exclusive period of 180 days from the expiry date of MOU to get the data authenticated by NIWE and make an application for capacity allotment. If the project is not applied for capacity allotment, the permission granted for private WRA study shall be cancelled. The applicant is also required to provide an undertaking to NREDCAP, with a copy to NIWE, indicating that NIWE can share the data to NREDCAP for subsequent/additional capacity allotments in the proposed (or balance) area.

6 Solar and Wind Hybrid Power Projects

To enable better utilization of common infrastructure and related facilities, solar and wind hybrid power projects shall be encouraged in the State. The tariff for such solar projects shall be as determined by APERC.

7 Repowering

The wind power developers will be encouraged to install higher capacity and improved technology Wind Electric Generators (WEGs) by undertaking appropriate micro-siting studies in order to optimally utilize the available wind resource potential at the project sites.

In respect of projects where lower capacity and lower hub height WEGs were installed and which have completed more than 15 years of life, proposals will be considered for replacing older turbines with higher capacity WEGs. In such cases, approval will be granted - subject to amendment of Power Purchase Agreement (PPA) with extension of time period for another 25 years.

The tariff payable for energy corresponding to the additional capacity available due to repowering of such projects shall be as per the applicable tariff determined by APERC from time to time.

8 GoAP Incentives

To enable wind power capacity addition in the State, following incentives shall be provided for Eligible Developers for those projects setting during the operative period mentioned in the para one (1).

a) Power Evacuation

- i. The Eligible Developer shall bear the entire cost of power evacuation facilities for interconnecting the wind farm with the grid.
- ii. The Eligible Developer shall abide by the orders, rules, regulations and terms and conditions as approved by APERC from time to time for operation of wind farms, power evacuation, transmission and wheeling of energy.
- iii. Wind power projects will be exempted from paying the supervision charges to APTransco/Discom towards the internal evacuation infrastructure within the wind farm site and upto pooling sub-station. All electrical installations within wind farm site and upto pooling sub-station shall be as per the statutory requirements and shall be certified by the Chief Electrical Inspector General (CEIG) or any other statutory authority.
- iv. APTransco/Discom will dispose the proposals for the technical feasibility for evacuation ~~from the date of receipt of application~~ from the date of receipt of application. Any upstream system strengthening requirement shall be borne by APTransco/Discom on a priority basis.

b) Transmission and Distribution charges for wheeling of power

There will be no Transmission and Distribution charges for wheeling of power generated from wind power projects, to the desired location/s for captive use/third party sale within the State through grid. However, the Transmission and Distribution charges for wheeling of power generated from the wind power projects for sale outside the State shall be as per regulations of APERC.

The 3rd party sale by Eligible Developers under this policy will be permitted only to HT – I category consumers as categorized in Tariff Orders and as per the regulations issued by APERC from time to time.

c) Energy Banking

Banking of 100% of energy shall be permitted during all 12 months of the year. Banking charges shall be adjusted in kind @ 2% of the energy delivered at the point of drawal. The banking year shall be from April to March.

Drawals from banked energy shall not be permitted during five (5) month period from 1st April to 30th June and 1st February to 31st March of each financial year. In addition, drawls of banked energy during the Time of the Day (ToD) applicable during the peak hours, as specified in the respective Retail Supply Tariff Order, shall also not be permitted throughout the year. However, the provisions on banking pertaining to drawal restrictions shall be reviewed based on the power supply position in the State.

Energy injected into the grid from date of synchronization to Commercial Operation Date (COD) will be considered as deemed energy banking.

The unutilized banked energy shall be considered as deemed purchase by Discoms at the pooled power purchase cost as determined by the APERC for the applicable year. Energy settlement shall be done on monthly basis.

d) Open Access

Intra-state Open Access clearance for the whole tenure of the project or 25 years whichever is earlier will be granted as per the APERC Regulations amended from time to time. In absence of any response or intimation from the Nodal Agency to the generator within 21 days, then such application shall be considered to be deemed open access.

e) Electricity Duty

All wind power projects are exempted from paying Electricity Duty in case of sale of power to APDiscom.

f) Deemed Public Private Partnership (PPP) Status

Deemed PPP status shall be provided for projects coming up under Category I and have entered into a PPA with APDiscom for sale of power.

g) Non Agriculture Status

Deemed Non-Agricultural (NA) status for the land where wind power projects will be accorded, on payment of applicable statutory fees.

h) Deemed Industry Status

Generation of electricity from wind power projects shall be treated as eligible industry under the schemes administered by the Industries Department and incentives available to industrial units under such schemes shall be available to the wind power producers

i) Must run status

Injection from wind power projects shall be considered to be deemed scheduled subject to prevailing regulations/grnd code of appropriate commission.

j) Pollution Clearance

Wind power projects will be exempted from obtaining any NOC/Consent for establishment under pollution control laws from AP Pollution Control Board.

9 Nodal Agency

New and Renewable Energy Development Corporation of A.P. Ltd (NREDCAP) shall act as a Nodal Agency under this policy and as decided by the government from time to time.

The Nodal Agency and/or designated offices by the Nodal Agency shall be responsible for facilitating single window clearance of the projects for the following activities:

- a) Registration of projects
- b) Allotment of capacity of projects
- c) Processing of proposals for allotment of revenue land or Forest land.
- d) Arranging approval for power evacuation plan and open access.
- e) Arranging other statutory clearances/approvals if any.
- f) Co-ordination with MNRE/SECI/APTransco/APDiscoms and other central and state agencies.

An online system will be established by the Nodal Agency for acceptance of applications and for providing status updates. The developers will be given a login access for tracking the status updates. All approvals/clearances shall be disposed within 30 days from the date of registration.

10 Time Lines for Project Completion

The Eligible Developers should enter into a project agreement along with the applicable fees and bank guarantees with the Nodal Agency within two (2) months from the date of sanction of the capacity allotment.

In case of wind power projects allotted in revenue lands, the project shall be commissioned within 18 months from the date of possession of revenue lands and/ or issue of power evacuation clearance, whichever is later. In case of wind power projects allotted in private lands, the projects shall be commissioned within 18 months from the date of issue of power evacuation clearance.