



ANDHRA PRADESH ELECTRICITY REGULATORY COMMISSION

4thFloor, Singareni Bhavan, Red Hills, Hyderabad 500004

WEDNESDAY, THE FOURTH DAY OF OCTOBER
TWO THOUSAND AND TWENTY THREE

:Present:

Justice C.V. Nagarjuna Reddy, Chairman
Sri Thakur Rama Singh, Member

OP No.18,19,20,21,22,23 and 24 of 2023

OP No.18 of 2023:

Between:

Hetero Wind Power Ltd., 7-2-A2,
Hetero Corporate, 3rd Floor, Industrial Estate,
Sanath Nagar, Hyderabad - 500018.
Rep by its Authorised Signatory-Sri C.V.Rama Krishna.

... Petitioner

And:

1. Southern Power Distribution Company of Andhra Pradesh Limited,
A company registered under the Companies Act, 1956,
Having its office at 19-13-65/A, Raghavendra Nagar,
Kesavayana Gunta, Tiruchanoor Road, Tirupati- 517501
Represented by its Managing Director.
2. The Transmission Corporation of Andhra Pradesh,
Vidyut Soudha Building, Khairatabad Road,
Near Eenadu, Hyderabad, Telangana- 500 004.
Represented by its Chairman and Managing Director.
3. Andhra Pradesh Power Coordination Committee,
A.P. Transco, Vidyut Sodha, Gunadala, Vijayawada-500082.

... Respondents

OP No.19 of 2023:

Between:

Danu Wind Parks Private Limited,
having its registered office at Plot No. 1202,1215A,
Door No. 8-2-293/82/A/1202, S.L.Jubilee,
Road No.61, Jubilee Hills, Hyderabad - 500033

... Petitioner

And:

1. Southern Power Distribution Company of Andhra Pradesh Limited,
A company registered under the Companies Act, 1956,
Having its office at 19-13-65/A, Raghavendra Nagar,
Kesavayana Gunta, Tiruchanoor Road, Tirupati- 517501
Represented by its Managing Director.
2. The Transmission Corporation of Andhra Pradesh
Vidyut Soudha Building, Khairatabad Road,
Near Eenadu, Hyderabad, Telangana- 500 004.
Represented by its Chairman and Managing Director
3. Andhra Pradesh Power Coordination Committee,
A.P. Transco, Vidyut Soudha, Gunadala, Vijayawada-500082.

... Respondents

OP No.20 of 2023

Between

Dindore Wind Parks Private Limited,
having its registered office At Plot No. 1202,1215A,
Door No. 8-2-293/82/A/1202, S.L.Jubilee,
Road No.61, Jubilee Hills, Hyderabad - 500033

... Petitioner

And:

1. Southern Power Distribution Company of Andhra Pradesh Limited,
A company registered under the Companies Act, 1956,
Having its office at 19-13-65/A, Raghavendra Nagar,
Kesavayana Gunta, Tiruchanoor Road, Tirupati- 517501
Represented by its Managing Director.
2. The Transmission Corporation of Andhra Pradesh
Vidyut Soudha Building, Khairatabad Road,
Near Eenadu, Hyderabad, Telangana- 500 004.
Represented by its Chairman and Managing Director.
3. Andhra Pradesh Power Coordination Committee,
A.P. Transco, Vidyut Soudha, Gunadala, Vijayawada-500082.

... Respondents

OP No.21 of 2023

Between

Fujin Wind Parks Private Limited,
having its registered office at Plot No. 1202,1215A,
Door No. 8-2-293/82/A/1202, S.L.Jubilee,
Road No.61, Jubilee Hills, Hyderabad - 500033

... Petitioner

And:

1. Southern Power Distribution Company of Andhra Pradesh Limited,
A company registered under the Companies Act, 1956,
Having its office at 19-13-65/A, Raghavendra Nagar,
Kesavayana Gunta, Tiruchanoor Road, Tirupati- 517501
Represented by its Managing Director.
2. The Transmission Corporation of Andhra Pradesh
Vidyut Soudha Building, Khairatabad Road,
Near Eenadu, Hyderabad, Telangana- 500 004.
Represented by its Chairman and Managing Director.
3. Andhra Pradesh Power Coordination Committee,
A.P. Transco, Vidyut Soudha, Gunadala, Vijayawada-500082.

... Respondents

OP No.22 of 2023

Between

Danu Wind Parks Private Limited,
having its registered office at Plot No. 1202,1215A,
Door No. 8-2-293/82/A/1202, S.L.Jubilee,
Road No.61, Jubilee Hills, Hyderabad - 500033

... Petitioner

And:

1. Southern Power Distribution Company of Andhra Pradesh Limited,
A company registered under the Companies Act, 1956,
Having its office at 19-13-65/A, Raghavendra Nagar,
Kesavayana Gunta, Tiruchanoor Road, Tirupati- 517501
Represented by its Managing Director.
2. The Transmission Corporation of Andhra Pradesh
Vidyut Soudha Building, Khairatabad Road,
Near Eenadu, Hyderabad, Telangana- 500 004.
Represented by its Chairman and Managing Director.
3. Andhra Pradesh Power Coordination Committee,
A.P. Transco, Vidyut Soudha, Gunadala, Vijayawada-500082.

... Respondents

OP No.23 of 2023

Between

Hetero Wind Power (Pennar) Pvt. Ltd.,
7-2-A2, Hetero Corporate, 3rd Floor, Industrial Estate,
Sanath Nagar, Hyderabad - 500018
Rep by its Authorised Signatory-Sri C.V.Rama Krishna

... Petitioner

And:

1. Southern Power Distribution Company of Andhra Pradesh Limited,
A company registered under the Companies Act, 1956,
Having its office at 19-13-65/A, Raghavendra Nagar,
Kesavayana Gunta, Tiruchanoor Road, Tirupati- 517501,
Represented by its Managing Director.
2. The Transmission Corporation of Andhra Pradesh
Vidyut Soudha Building, Khairatabad Road,
Near Eenadu, Hyderabad, Telangana- 500 004.
Represented by its Chairman and Managing Director.
3. Andhra Pradesh Power Coordination Committee,
A.P. Transco, Vidyut Sodha, Gunadala, Vijayawada-500082.

... Respondents

OP No.24 of 2023

Between

Aeolus Wind Parks Private Limited,
having its registered office at Plot No. 1202,1215A,
Door No. 8-2-293/82/A/1202, S.L.Jubilee, Road No.61,
Jubilee Hills, Hyderabad - 500033

... Petitioner

And:

1. Southern Power Distribution Company of Andhra Pradesh Limited,
A company registered under the Companies Act, 1956,
Having its office at 19-13-65/A, Raghavendra Nagar,
Kesavayana Gunta, Tiruchanoor Road, Tirupati- 517501,
Represented by its Managing Director.
2. The Transmission Corporation of Andhra Pradesh
Vidyut Soudha Building, Khairatabad Road,
Near Eenadu, Hyderabad, Telangana- 500 004.
Represented by its Chairman and Managing Director.
3. Andhra Pradesh Power Coordination Committee,
A.P. Transco, Vidyut Soudha, Gunadala, Vijayawada-500082.

... Respondents

All these Original Petitions have come up for hearing before us today in the presence of Sri S. Vivek Chandra Sekhar, learned counsel for the petitioners and Sri P.Shiva Rao, learned Standing Counsel for the respondents; that after carefully considering the material available on record and after hearing the arguments of the learned counsel for both parties, this Commission passed the following:

COMMON ORDER

All these petitions have been filed for identical reliefs, viz., for directions to respondent No.1 for expeditiously releasing the payments to the petitioners, allegedly deducted illegally and withheld on account of delivery of energy beyond the Capacity Utilisation Factor (CUF) of 23% or 23.5%, as the case may be.

At the hearing, Sri S. Vivek Chandra Sekhar, learned counsel for the petitioners, and Sri P.Shiva Rao, learned Standing Counsel for the respondents, fairly submitted that the main dispute - as to whether the petitioners are entitled for the payment for the power generated beyond the CUFs shown in the PPAs, and, if so, at what rate - is squarely covered by the Common Order dated 26-9-2021 passed by this Commission in OP No.66 of 2021 (***ZR Renewable Energy Pvt. Ltd Vs. Southern Power Distribution Company of Andhra Pradesh Limited***) and OP No.85 of 2021 (***Beta Wind Farm Private Limited Vs. Southern Power Distribution Company of Andhra Pradesh Limited***). It is agreed between the learned counsel that this Commission has held by the aforementioned order that the power generated by the Developers and injected into the Grid in excess of the stipulated CUF shall be paid by the respondents at Rs.0.50 paise per unit.

Sri Vivek Chandra Sekhar, learned counsel for the petitioners, fairly submitted that his clients have no objection for a similar order being passed in these cases, subject, however, to the result of the Appeals pending before the Honourable APTEL. Sri P.Shiva Rao, learned Standing Counsel for the respondents, also agreed to the said course.

In the present cases, the actual CUF achieved by the petitioners is required to be calculated. The respondents shall undertake the said exercise and, accordingly, pay the petitioners the charges in terms of the PPAs upto the prescribed CUF and at Rs.0.50 ps., per unit beyond the prescribed CUF. The above noted exercise shall be done after notice to the petitioners and allowing the petitioners' representatives to participate in the exercise, before arriving at the actual CUF. This exercise shall be completed within six weeks from today. Within four weeks thereafter, the amount, if any, found payable to the petitioners shall be paid.

The OPs are, accordingly, disposed of. No costs.

Order passed on this the Fourth day of October, 2023.

Sd/-
Justice C.V. Nagarjuna Reddy
Chairman

Sd/-
Thakur Rama Singh
Member