



**ANDHRA PRADESH ELECTRICITY REGULATORY COMMISSION**

4<sup>th</sup>Floor, Singareni Bhavan, Red Hills, Hyderabad 500004

MONDAY, THE EIGHTEENTH DAY OF MARCH,  
TWO THOUSAND AND TWENTY FOUR

\*\*\*

:Present:

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

\*\*\*

**O.P.No.11 of 2024**

Between:

1. Tata Power Renewable Energy Limited
2. Walwhan Renewable Energy Limited

... Petitioners

And:

Southern Power Distribution Company of A.P. Limited

... Respondent

This Original Petition has come up for hearing before us today, at the stage of admission, in the presence of Mr. Shri Venkatesh, learned counsel for the petitioners and Sri P. Shiva Rao, learned Standing Counsel for the respondent, that after hearing the learned counsel for both the parties and after carefully considering the material available on record, the Commission passed the following:

**ORDER**

This Original Petition is filed for the following substantive reliefs:

- i) To direct the respondent to make payment to petitioner No.1 an amount to the tune of Rs.39.79 Crores and petitioner No.2 of Rs.55.74 Crores towards LPS on delayed payment of invoices raised by the Petitioners;

- ii) to direct the respondent to comply with the terms of the PPAs entered into with the petitioners in letter and spirit, including its obligation to make payments in a timely manner; and
- iii) to pass such other order[s) as the Hon'ble Commission may deem just in the facts of the present case.

At the hearing, Mr. Shri Venkatesh, learned counsel for the petitioners, submitted that this Commission has disposed of similar OPs., viz., OP Nos.4,5,6,7 and 8 of 2022, by Common Order, dated 21-02-2024, whereunder this Commission has held that the respondent shall pay 50% of the LPS due and payable to the petitioners therein. The learned counsel fairly submitted that his clients are agreeable for a similar relief being granted in this OP also. The operative directions issued in the said Common Order read as under:

- “(a) The respondents shall calculate the LPS as prescribed in the Power Purchase Agreements upto the filing of each of the Original Petitions and communicate the same to the petitioners within one week from the date of receipt of a copy of this Order; and
- (b) the respondents shall pay 50% of the LPS so arrived at in three equal monthly instalments commencing from 1st April, 2024”.

Sri P.Shiva Rao, learned Standing Counsel for the respondent, submitted that the respondent is also agreeable for passing a similar

Order in this OP. He further submitted that a Contempt Case, filed by the petitioners for non-payment of LPS, is pending before the Honourable High Court. The learned counsel for the petitioners, however, submitted that in the light of the present order being passed, his client will withdraw the Contempt Case.

Having regard to the above, this Original Petition is disposed of in terms of the Common Order dated 21-02-2024 in OP Nos.4 to 8 of 2022 with a direction that the reasons and directions contained therein shall form part of this order.

***Order passed on this the 18th day of March, 2024.***

Sd/-  
**P.V.R.Reddy**  
**Member**

Sd/-  
**Justice C.V. Nagarjuna Reddy**  
**Chairman**

Sd/-  
**Thakur Rama Singh**  
**Member**

**Note:**

Common Order dated 21-02-2024 in OP Nos.4 to 8 of 2022 is attached herewith.



**ANDHRA PRADESH ELECTRICITY REGULATORY COMMISSION**

4<sup>th</sup>Floor, Singareni Bhavan, Red Hills, Hyderabad 500004

\*\*\*

WEDNESDAY, THE TWENTY FIRST DAY OF FEBRUARY  
TWO THOUSAND AND TWENTY FOUR

:Present:

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

**O.P.Nos.4,5,6,7 & 8 of 2022**

**OP No.4 of 2022:**

**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 Ltd.,  
19-13-65/A, Srinivasapuram, Tiruchanoor Road, Tirupati-517503.
2. Andhra Pradesh Power Coordination Committee,  
A.P. Transco, Vidyut Soudha, Gunadala, Vijayawada-500082.

...Respondents

**OP No.5 of 2022:**

**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 Ltd.,  
19-13-65/A, Srinivasapuram, Tiruchanoor Road, Tirupati-517503.
2. Andhra Pradesh Power Coordination Committee,  
A.P. Transco, Vidyut Soudha, Gunadala, Vijayawada-500082.

...Respondents

**OP No.6 of 2022:**

**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 Ltd.,  
19-13-65/A, Srinivasapuram, Tiruchanoor Road, Tirupati-517503.
2. Andhra Pradesh Power Coordination Committee,  
A.P. Transco, Vidyut Soudha, Gunadala, Vijayawada-500082.

...Respondents

**OP No.7 of 2022**

**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 Ltd.,  
19-13-65/A, Srinivasapuram, Tiruchanoor Road, Tirupati-517503.
2. Andhra Pradesh Power Coordination Committee,  
A.P. Transco, Vidyut Soudha, Gunadala, Vijayawada-500082.

...Respondents

**OP No.8 of 2022**

**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 Ltd.,  
19-13-65/A, Srinivasapuram, Tiruchanoor Road, Tirupati-517503.
2. Andhra Pradesh Power Coordination Committee,  
A.P. Transco, Vidyut Soudha, Gunadala, Vijayawada-500082.

...Respondents

All these Original Petitions have come up for final hearing today in the presence of Sri Challa Viswanath, counsel representing Sri S.Vivek Chandrasekhar, learned Counsel for the Petitioners, and assisted by Smt. Uma Devi Jaladi, Ecoren Group Founder's Office-representing the petitioner in OP No.4 of 2022; and Sri P.Shiva Rao, learned Standing Counsel for the respondents; that after hearing the learned counsel for both the parties and after carefully considering the material available on record, this Commission made the following :

### **COMMON ORDER**

All these Original Petitions are filed with the sole grievance that the respondents are not paying Late Payment Surcharge (LPS) for the delayed payment of the principal amounts. These petitions underwent several adjournments for the reason that the respondents have been negotiating with the petitioners on the quantum of LPS payable.

Today, at the hearing, Sri Viswanath Challa, learned counsel representing the petitioners and Smt.Uma Devi Jaladi (Ecoren Group Founder's Office) representing the petitioner in OP No.4 of 2022, submitted that during the negotiations the petitioners offered a rebate of 45%; and that the respondents have agreed for the same.

Sri P. Shiva Rao, learned Standing Counsel for the respondents, submitted that the respondents have agreed only to pay 50% but not 55% of LPS. Considering the fact that the petitioners themselves have offered a rebate of 45% in all these OPs and the dire financial state of the respondents, we feel that payment of 50% of LPS, instead of 55% as allegedly agreed by the petitioners, will serve the ends of justice.

Accordingly, all these Original Petitions are disposed of in the following terms:

- (a) The respondents shall calculate the LPS as prescribed in the Power Purchase Agreements upto the filing of each of the Original Petitions and communicate the same to the petitioners within one week from the date of receipt of a copy of this Order; and
- (b) the respondents shall pay 50% of the LPS so arrived at in three equal monthly instalments commencing from 1st April, 2024.

***Order passed on this the 21st day of February, 2024.***

**Sd/-  
P.V.R.Reddy  
Member**

**Sd/-  
Justice C.V. Nagarjuna Reddy  
Chairman**

**Sd/-  
Thakur Rama Singh  
Member**