



ANDHRA PRADESH ELECTRICITY REGULATORY COMMISSION

4thFloor, 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.No.68 of 2023

Between:

M/s. Vibrant Greentech India Pvt. td.,
Regd. Office at 7-1-22/14, Railway Station Road,
Begumpet, Greenlands, Hyderabad, Telangana-500 016
Represented by its Authorised Signatory-
Mr. B.S.N. Umamaheswara Rao, S/o. Krishna Murthy,
65 Years, R/o. Hyderabad.

(Having its Unit at: Kadavakallu Site, Sy.No. 265 in
Chintakunta (V), Sy.No. 372 in Arakatavemula (V),
Sy.No. 1-1 in Surepalli (V), Putlur (M), Anantapur District,
Andhra Pradesh)

...Petitioner

AND

Southern Power Distribution Company of A.P. Ltd., (APSPDCL) ,
#19-13-65/A, Srinivasapuram, Tiruchanoor Road, Tirupati,
Chittoor District, Andhra Pradesh-517503,
Rep. by its Chairman & Managing Director.

...Respondent.

This Original Petition has come up for final hearing before this Commission on 21-02-2024 in the presence of Sri Challa Gunaranjan, learned Counsel for the Petitioner; 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:

ORDER

This Original Petition is filed for the following reliefs:

- a) To direct Respondent/APSPDCL to make payment of the outstanding dues of Rs. 1,82,74,608/- (Rupees one crore, eighty two lakhs, seventy four thousand, six hundred and eight only) towards monthly invoices from June, 2022 to May, 2023 within 15 days of the receipt of the order of this Hon'ble Commission;
- b) to direct Respondent/APSPDCL to make payment to the petitioner of the outstanding amount of Rs.19,39,907/- (Rupees nineteen lakhs, thirty nine thousand, nine hundred and seven only) calculated for the period of from July, 2022 to October, 2023, towards LPS for the unpaid monthly invoices from June, 2022 to May, 2023, in terms of Article 5.2 of the PPA's, within 15 days of the receipt of the order of this Hon'ble Commission;
- c) to direct Respondent/APSPDCL to quantify and pay the LPS for the unpaid invoices for the period June, 2022 to May, 2023 upto the date of realisation, excluding the quantified period of July, 2022 to October, 2023;
- d) to direct Respondent/APSPDCL to issue a Letter of Credit in favour of the petitioner as contemplated under Clause 5.3 and 5.4 of the PPA;
- e) to award costs of these proceedings against APSPDCL and in favour of the Petitioner; and
- f) to pass such other order or orders as this Honourable Commission deems fit and proper in the interest of justice.

The respondent filed a counter-affidavit, wherein it is, *inter alia*, stated that the outstanding amount of Rs.1,82,55,459/- (Rupees one crore, eighty two lakhs, fifty five thousand, four hundred and fifty nine

only) has been paid/adjusted; and that the outstanding principal amount as on today is Nil.

No reply/rejoinder is filed controverting the above noted averment in the counter-affidavit.

In the light of the above, the prayer in Para-21(a) has become infructuous.

As regards the prayers in Paras-21(b) & (c), it is not disputed by the learned counsel for both the parties that the Petitions claiming Late Payment Surcharge (LPS) as the substantive relief, viz., OP No.30 of 2020 and batch, are pending before this Commission. In our opinion, instead of separately adjudicating these prayers in this petition, we make it clear that the petitioner's entitlement for payment of LPS shall be subject to the outcome of the said batch.

Subject to the above, the Original Petition stands disposed of.

Sd/-
P.V.R.Reddy
Member

Sd/-
Justice C.V. Nagarjuna Reddy
Chairman

Sd/-
Thakur Rama Singh
Member