



ANDHRA PRADESH ELECTRICITY REGULATORY COMMISSION

4thFloor, Singareni Bhavan, Red Hills, Hyderabad 500004

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

:Present:

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

O.P.No.60 of 2022

Between:

M/s. Nava Limited, (Formerly M/s. Navabharat Ventures Limited),
Navabharat Chambers, Raj Bhavan Road, Hyderabad,
Telangana-500 082, Rep. by its Authorised Signatory-Sri C.Mani Kumar.

...Petitioner

AND

1. Eastern Power Distribution Company of Andhra Pradesh Ltd.,
Corporate Office, C/o. 50-27-5/1, TPT Colony, Seethammadhara,
Visakhapatnam, Andhra Pradesh -530013, India,
Rep. by its Chairman & Managing Director

2. Andhra Pradesh Power Coordination Committee, Vidyut Soudha,
Gunadala, Eluru Road, Vijayawada, Andhra Pradesh-520004,
Represented by its General Manager (PP&S)

... Respondents

This Original Petition has come up for hearing before us today in the presence of Sri P.V.Nishanth, counsel representing Sri Challa Gunaranjan, learned counsel for the petitioner, 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, the Commission passed the following:

ORDER

This Original Petition is filed for the following reliefs:

“ i) To direct the APEPDCL to make payment to the Petitioner of the outstanding amount of Rs.39,79,729.00 (Rupees Thirty Nine Lakhs, Seventy Nine

Thousand, Seven Hundred and Twenty Nine Only) towards monthly invoices due from January, 2019 to March 2020 within fifteen (15) days of the order by this Hon'ble Commission;

(ii) to direct APEPDCL/Respondent to pay interest @ 10% to the Petitioner towards withholding the petitioner's monthly invoices raised for the period between 22.01.2019 to 01.04.2020, until the date of realisation under Article 5.2 of the PPAs, within 15 days of the receipt of the order of this Hon'ble Commission;

(iii) to award costs of this proceedings against APEPDCL and in favour of the Petitioner; and

(iv) to pass such other order or orders as this Hon'ble Commission deems fit and proper in the interest of justice.

At the hearing, Sri P.V.Nishanth, counsel representing Sri Challa Gunaranjan, learned counsel for the petitioner, presented a memo on behalf of the petitioner, wherein it is, *inter alia*, stated as under:

"2. It is humbly submitted that subsequent to filing of the present case, the 2nd respondent, vide Lr.No.CGM/PP/GM/PP/DGM/RE/F.87/D.No.318/22, dated 30-1-2023, wherein they agreed to pay the principal amount by 05-02-2023, subject to withdrawal of the present case and waiver of interest. The petitioner is agreeable for the same.

3. In the light of the above developments, it is humbly prayed that this Hon'ble Commission may be pleased to dispose of the present matter by recording the undertaking given by the 2nd respondent vide its letter dated 30-1-2023 with liberty to the petitioner to reopen the present OP in case the respondents fail to honour their undertaking, and/or pass any such order(s) as this Honourable Commission may deem fit in the interest of justice".

Having regard to the above memo, the OP is disposed of in terms of the understanding reached between the parties; however, with liberty to the petitioner to file a fresh petition in the event the respondents failed to act as per the above mentioned understanding.

Sd/-
Thakur Rama Singh
Member

Sd/-
Justice C.V. Nagarjuna Reddy
Chairman

Sd/-
P. Rajagopal Reddy
Member