



ANDHRA PRADESH ELECTRICITY REGULATORY COMMISSION

4thFloor, Singareni Bhavan, Red Hills, Hyderabad 500004

WEDNESDAY, THE TWENTY NINTH DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY ONE

:Present:

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

O.P.No.81 of 2021

Between:

M/s. GMR Energy Trading Ltd.,
Through its Authorized Representative,
Building No.302, 1st Floor, New Shakti Bhawan,
Terminal-3, Opp: ATS Complex,
International Terminal,
IGI Airport, New Delhi-110037. .. Petitioner

And

1. Andhra Pradesh Power Co-ordination Committee,
A.P. Transco, Vidyut Sodha, Gunadala,
Vijayawada-500082.
2. Southern Power Distribution Company of
Andhra Pradesh Ltd., 19-13-65/A, Srinivasapuram,
Tiruchanoor Road, Tirupati-517503.
3. Eastern Power Distribution Company of
Andhra Pradesh Ltd., P & T Colony,
Seethammadhara, Visakhapatnam-530013. .. Respondents

This Original Petition, having come up for hearing on 29-09-2021 in the presence of Ms. Ishita Thakur, counsel for the petitioner Sri P. Shiva Rao, Standing

Counsel for the respondents and upon hearing the arguments of both sides, the Commission passed the following :

ORDER:

This Original Petition is filed for a direction to the respondents to make payment of Late Payment Surcharge (LPS).

We have perused the pleadings and heard the learned Counsel for both the parties.

The respondents have not disputed the fact that they have not discharged their admitted liability within the stipulated time, as a result of which Clause-7 of the Letter of Intent (LOI) providing for payment of LPS is attracted. The main defence of the respondents is that as their financial position was very weak, they were not able to discharge the admitted liability within the prescribed time and that for the same reason, they are unable to pay LPS as per Clause-7 of the LOI.

During the hearing, the Commission has asked the learned counsel for the petitioner whether her client is prepared to waive a part of the LPS in view of the bad financial condition of the respondents. The learned Counsel, on instructions, fairly submitted that the petitioner is prepared to waive only 25% of the LPS.

While appreciating the gesture of the petitioner, the O.P. is disposed of with a direction to respondent Nos.2 and 3 to pay 75% of the LPS of Rs.79,43,685/-, which is payable as per the LOI terms, within two months from today. It is made clear that if respondent Nos.2 and 3 fail to make such payment within the above stipulated time, they shall forego the benefit of waiver granted under this order.

Sd/-
Thakur Rama Singh
Member

Sd/-
Justice C.V. Nagarjuna Reddy
Chairman

Sd/-
P. Rajagopal Reddy
Member