



**ANDHRA PRADESH ELECTRICITY REGULATORY COMMISSION**  
4<sup>th</sup> Floor, Singareni Bhavan, Red Hills, Hyderabad 500 004

O.P. No. 36 of 2017

Date: 24-02-2018

Present  
**Justice G. Bhavani Prasad, Chairman**  
**Dr. P. Raghu, Member**  
**Sri P. Rama Mohan, Member**

**Between:**

M/s. Orange Uravakonda Wind Power Pvt. Ltd

... Petitioner

And

Southern Power Distribution Company of Andhra Pradesh Ltd. ... Respondent

This Original Petition has come up for hearing finally on 24-02-2018 in the presence of Sri S. Niranjan Reddy, learned Senior Counsel representing Sri Avinash Desai and Sri D.S. Siva Darshan, learned counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the respondent. 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**

Heard Sri S. Niranjan Reddy, learned Senior Counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the respondent. The respondent filed an affidavit stating that on 27-01-2018, an amount of Rs.48,56,60,303/- towards energy bill arrears were requested to be permitted to be paid in instalments and the Andhra Pradesh Power Coordination Committee paid an amount of Rs.8,09,43,384/- towards the first instalment on 25-01-2018. The affidavit also stated that on

reconciliation by the Andhra Pradesh Power Coordination Committee, an amount of Rs.49,73,73,655/- was found to be payable to the petitioner, thus showing a deficit of Rs.1,17,13,352/- in the amount shown in the earlier affidavit dated 27-01-2018. Out of so finally arrived amount of Rs.49,73,73,655/-, the balance due after deducting the payment made on 25-01-2018 is Rs.41,64,30,274/-, which is requested to be permitted to be paid at Rs.8,32,86,054/- in five monthly instalments. The affidavit further stated that in so far as Generation Based Incentive is concerned for an amount of Rs.9,96,60,827/- for the period from 03-01-2017 to 02-11-2017, the matter is *subjudice* in O.P.No.1 of 2017 on the file of this Commission. The affidavit further stated that the differential rebate amount of Rs.2,34,571/- was already paid on 22-02-2018. In so far as the Generation Based Incentive amount claimed by the petitioner, the quantum of which is not in dispute, is concerned, the same will be subject to the result of O.P.No.1 of 2017 on the file of this Commission and hence no directions are being attempted to be given herein, leaving open the question to be subject of the consequential orders on the result of O.P.No.1 of 2017 by this Commission on merits in accordance with law. After reconciliation of the accounts and the Andhra Pradesh Power Coordination Committee arriving at the amount to be payable to the petitioner at Rs.49,73,73,655/-. Sri S. Niranjan Reddy, learned Senior Counsel admitted that his objection taken on 27-01-2018 that the amount shown in the affidavit dated 27-01-2018 did not correctly reflect the amount due is satisfactorily answered and as the petitioner now quantified five monthly instalments for payment of the balance due after deducting the amount paid on 25-01-2018, the petitioner has no objection for the amounts specified as the balance due in today's affidavit by the respondent. While there is no serious objection for considering the request for payment of the balance in five monthly instalments, Sri S. Niranjan

Reddy, learned Senior Counsel brought to notice that the petitioner has heavy financial liabilities and obligations to be discharged to its financial institutions, which are particularly heavy in the month of April, 2018 and therefore, it will be of great help, if the respondent can pay the last instalment also along with the third instalment from now in April, 2018. Sri P. Shiva Rao, learned Standing Counsel for the respondent stated that he will place the same before the respondent for consideration and if the financial position of the respondent permits, every effort will be made to pay either the last instalment also along with the third instalment from now or at least to pay the maximum amount available out of the last instalment along with the third instalment from now.

In view of the pleadings and submissions of the learned counsel for both parties, it is hereby ordered that the Generation Based Incentive amount of Rs.9,96,60,827/- claimed by the petitioner for the period from 03-01-2017 to 02-11-2017 shall be subject to the result of O.P.No.1 of 2017 on the file of this Commission and any consequential orders passed thereon. In so far as the energy bill arrears still due to the petitioner after deducting the payment of Rs.8,09,43,384/- on 25-01-2018 are concerned, the amount is quantified at Rs.41,64,30,274/-, which is permitted to be paid in five equal monthly instalments of Rs.8,32,86,054/- each by tenth of every month commencing from February 2018 with the instalment due for the February, 2018 being payable before 10-03-2018. Every effort should be made by the respondent to pay the last instalment due also along with the instalment due by 10-04-2018, if the financial position of the respondent permits, in full or at least to the maximum extent such finances permit. The amounts due under energy bills for the current consumption have to be paid regularly, independent of these directions relating to the arrears payable. These orders are no adjudication on any other issues

arising under the Power Purchase Agreement between the parties beyond the energy bill arrears, which are subject matter of this petition. This Original Petition is ordered accordingly, without costs.

This order is corrected and signed on this the **24<sup>th</sup> day of February, 2018.**

**Sd/-**  
**P. Rama Mohan**  
Member

**Sd/-**  
**Dr. P. Raghu**  
Member

**Sd/-**  
**Justice G. Bhavani Prasad**  
Chairman