



**ANDHRA PRADESH ELECTRICITY REGULATORY COMMISSION**

Vidyut Niyantana Bhavan, Adjacent to 220/132/33/11 KV AP Carbides  
Sub-Station, Dinnedevaram Road, Kurnool-518002, Andhra Pradesh

WEDNESDAY, THE TWENTY FIFTH DAY OF SEPTEMBER,  
TWO THOUSAND AND TWENTY FOUR

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:Present:

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

**Review IA No.1 of 2024 in OP No. 40 of 2020**

**Between**

M/s Victory Power Systems Private Limited,  
104, Swarganivas Enclave, 7-1-619/A, East Srinivas  
Nagar, Ameerpet, Hyderabad 500 038, represented by  
its Director, Sri Movva Srinivas, son of Sri  
M.Satyanarayana, aged about 54 years, resident of  
Srinagar Colony, Hyderabad - 500 073

.....Petitioner

**AND**

The Chairman & Managing Director, APSPDCL, Corporate Office,  
D.No. 19-13-65/A, Srinivasapuram, Tiruchanoor Road, TIRUPATI - 517 503

..... Respondent

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This Review IA has come up for hearing before us today in the  
presence of Sri K.Gopal Chowdary, counsel representing Sri Challa  
Gunaranjan, learned Counsel for the Petitioners; and Sri P.Shiva Rao, learned  
Standing Counsel for the respondents; that after hearing the learned counsel

for both parties, and that after carefully considering the material available on record the Commission passed the following:

**ORDER**

This application is filed for the following reliefs :

- a. Modify the Order of the Hon'ble Commission dated 01.03.2023 so as to provide for the amendment of the definition of "Scheduled COD" in Article 1 of the Power Purchase Agreement dt. 16.02.2019 such that the period of 24 months commences from the date of this Hon'ble Commission's order approving the PPA so amended.
- b. To direct the Respondent to forthwith carry out the amendment to the PPA without any delay;
- c. To direct that the PPA as amended shall be treated as approved by the Commission as on the date the amendment is carried out.
- d. And/or pass such further or other orders as the Hon'ble Commission may consider fit and proper in the circumstances of the case and/or in the interest of justice.

As regards the time limit of the 24 months for the schedule CoD, this Commission by its order dated 01-03-2023, directed the parties to amend the definition "schedule CoD" in article dated 16-02-2019 so as to commence the period of 24 months from the date of the Commission's order approving the

PPA. It is averred in the application that the Respondents committed inordinate delay in entering into amended PPA and that is only on 14-03-2024 that the PPA was amended causing loss of valuable time for the Petitioner to ground the project. A request is therefore made to amend the order dated 01-03-2023, so as to commence the period of 24 months from the date of approval of the amended PPA. The Petitioner also sought for approval of the amended PPA.

We have heard the learned counsel for both the parties and perused the records. Though this Commission has allowed OP No. 40 of 2020 filed by the Petitioner as far back as 01-03-2023, the Respondent has taken almost one year to enter into the amended PPA. In view of this inordinate delay, the Commission finds the request of the Petitioner to modify order dated 01-03-2023 is justifiable. Sri P. Shiva Rao, learned standing counsel has not disputed that the Respondent has entered into amended PPA on 14-03-2024. However, he opposed the application for amendment of the order. We find this opposition as wholly unreasonable because having created all the obstacles for the Petitioner to execute the project which was discussed in detail in the order dated 01-03-2023, and having delayed entering into amended PPA by one year it doesn't lie in the mouth of the Respondent to oppose this request of the Petitioner. Accordingly the submission of the learned standing counsel for the respondent is rejected. The order dated 01-03-2023 is modified by substituting the last para of the order with the

following para :

“In this fact situation and, more so, as it is held that the action of the APSPDCL in rescinding the PPA is illegal, it is, but, just and proper to direct the parties to amend the definition of “Scheduled COD” in Article-1 of the PPA dated 16-2-2019 so as to commence the period of 24 months from the date of approval of the amended PPA by this Commission. Accordingly, the APSPDCL is directed to take appropriate steps for such an amendment and complete the same within one month from today. The remaining terms of the PPA shall stand unaltered and bind both parties.

The amended PPA accordingly stands approved. The Respondent is directed to incorporate this gist of amended part of this order regarding commencement of SCoD from the date of approval of amended PPA by this Commission i.e., today, by further amending the PPA, within two weeks from today.

Order pronounced on this the 25th day of September, 2024.

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

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

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