



## **ANDHRA PRADESH ELECTRICITY REGULATORY COMMISSION**

4<sup>th</sup>Floor, Singareni Bhavan, Red Hills, Hyderabad 500004

WEDNESDAY, THE SIXTEENTH DAY OF FEBRUARY  
TWO THOUSAND AND TWENTY TWO

:Present:

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

O.P.No.90 of 2021

Between :

Mytrah Vayu (Krishna) Pvt. Ltd.,  
Having its registered office at  
80001, Q-City, S.No.109,  
Nanakramguda, Gachibowli,  
Hyderabad-500032, represented by  
its Authorised Signatory  
Mr. K. Mahesh Kumar

.. Petitioner

And

Southern Power Distribution Company of Andhra Pradesh  
Limited, represented by its Managing Director/  
Chief General Manager, 19-13-65/A, Raghavendranagar,  
Kesavayana Gunta, Trichanoor Road, Tirupati,  
Chittoor District, A.P. 517501.

.. Respondents

This O.P. has come up for hearing today in the presence of Sri Avinash Desai, learned counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the respondent and upon hearing the arguments of the learned Counsel, the Commission passed the following:

### **ORDER:**

This O.P. is filed for a direction to the respondent to immediately execute the amendments to the final PPA dated 12-02-2014 entered with the petitioner so that the amended final PPA be taken on record by this Commission in line with the other similarly placed power generators by recalling the letter/observations of Commission vide its Lr.No.APERC/JD(PPP)/F.E-897/D.No.813/2017, dated 25-09-2017.

We have heard Sri Avinash Desai, learned Counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the respondent.

The issue in the O.P. pertains to failure of the petitioner to effect the changes in the revised PPA dt.12-02-2014, as directed by this Commission in its order dated 11-06-2014. It is the pleaded case of the petitioner that neither the said order nor this Commission's letter dated 25-09-2017 were received by it, due to which it failed to approach the respondent to carry out the amendments directed by this Commission.

The learned Counsel for the petitioner submitted that in case of three other similarly situated power developers, namely, Rayala Wind Power Pvt. Ltd., Woodside Fashions Ltd. and Hi-Tech Systems and Services Ltd., with whom the erstwhile APCPDCL entered into revised PPAs, the PPAs were amended in pursuance of the identical letters dated 11-06-2014 issued by this Commission and that the only reason for the petitioner's failure to take steps

for amending the PPAs was lack of information regarding the said letter as well as the letter dated 25-09-2017 of this Commission wherein it has been stated that as the conditional consent was deemed to have been withdrawn due to non-compliance with the directions contained in the letter dated 11-06-2014 regarding the changes to be effected in the revised PPA, the question of further approval does not arise.

During the previous hearing, Sri P. Shiva Rao has taken time to verify whether the petitioner is similarly situated as the three power developers mentioned above. Today, at the hearing he has fairly submitted that the petitioner also is similarly situated and that in the absence of any proof of service of letters dated 11-06-2014 and 25-09-2017 on the petitioner, it cannot be blamed for not carrying out the changes as directed by this Commission.

In the light of the above, we are of the opinion that the non-compliance of the directions in the Commission's letter dated 11-06-2014 is bona fide and therefore the petitioner is entitled to the relief as claimed in the O.P.

Accordingly, the O.P. is allowed as prayed for.

Sd/-  
**Thakur Rama Singh**  
Member

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

Sd/-  
**P. Rajagopal Reddy**  
Member