



ANDHRA PRADESH ELECTRICITY REGULATORY COMMISSION

4thFloor, Singareni Bhavan, Red Hills, Hyderabad 500004

WEDNESDAY, THE EIGHTH DAY OF MAY,
TWO THOUSAND AND TWENTY FOUR

:Present:

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

O.P.No.113 of 2021

Between:

Vaayu (India) Power Corporation Limited,
Commercial Complex, H-Block, Alpha-II Sector,
Greater Noida, Uttar Pradesh - 201308

... Petitioner

And:

1. Transmission Corporation Of Andhra Pradesh Limited (APTRANSCO), Vidyut Soudha, Hyderabad-500082.
2. A.P. Power Coordination Committee (APPCC), Vidyut Soudha, Hyderabad - 500082.
3. Southern Power Distribution Company Of Andhra Pradesh Limited (APSPDCL), Tiruchanoor Road, Behind Srinivasa Kalyana Mandapam, Kesavayani Gunta, Tirupati, A.P-517501

... Respondents

This Original Petition has come up for hearing before us today in the presence of Sri Aniket Prasoon, counsel representing Sri Kailash Nath P.S.S., learned counsel for the petitioner; and Sri P. Shiva Rao, learned Standing Counsel for the respondents, that after carefully considering the material available on record and after hearing learned counsel for both the parties, the Commission passed the following:

ORDER

This Original Petition is filed under Section 86(1)(b)(e) and (f) of the Electricity Act, 2003, *inter alia*, seeking a direction to the respondents for payment of Late Payment Surcharge (LPS) accrued pursuant to the consistent delayed payment by the respondents towards supply of power by the petitioner from its Wind Power Plants, under seven Power Purchase Agreements (PPAs) dated 29-5-2010.

We have heard Sri Aniket Prasoon, counsel representing Sri Kailash Nath P.S.S., learned counsel for the petitioner; and Sri P.Shiva Rao, learned Standing Counsel for the respondents.

The learned counsel for the petitioner submitted that considering the fact that in similar cases this Commission has prevailed upon both the parties to settle the dispute on payment of 50% of the admitted LPS by the respondents and with a view to recover the money without further loss of time, his client is agreeable for foregoing 50% of the LPS.

Sri P.Shiva Rao, learned Standing Counsel for the respondents, submitted that as this Commission has already disposed of the OPs involving identical issues, viz., payment of LPS, the respondents have no objection to the proposal of the learned counsel for the petitioner. He, however, submitted

that having regard to the fact that huge sums are payable towards LPS, the Commission may grant six monthly instalments.

In view of the consensus arrived at between the parties as regards the quantum of LPS, further adjudication of the OP, on merits, is obviated. However, as regards the time schedule within which 50% of the LPS amount is required to be paid by the respondents, we feel that, having regard to the huge quantum of money involved, interests of justice will be served if the respondents are allowed to pay the amount of LPS, after due reconciliation, in four monthly instalments, with the first instalment commencing from 01-7-2024. It is made clear that the LPS shall be calculated upto the time of payment of each instalment.

Subject to the above directions, the OP is disposed of.

Sd/-
P.V.R.Reddy
Member

Sd/-
Justice C.V. Nagarjuna Reddy
Chairman

Sd/-
Thakur Rama Singh
Member