



ANDHRA PRADESH ELECTRICITY REGULATORY COMMISSION

4thFloor, Singareni Bhavan, Red Hills, Hyderabad 500004

WEDNESDAY, THE TWENTY FOURTH DAY OF MARCH
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.1 of 2020

Between:

Vaayu (India) Power Corporation Limited

... **Petitioner**

A N D

1. Transmission Corporation of Andhra Pradesh Limited (APTRANSCO)
2. A.P. Power Coordination Committee (APPCC)
3. Southern Power Distribution Company of Andhra Pradesh Limited (APSPDCL)

... **Respondents**

This Original Petition has come up for hearing finally on 24-03-2021 in the presence of Sri Anil Dutt, learned counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the respondents. 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

This petition is filed for the following substantive reliefs:

- “a) *Direct the Respondents to make the outstanding payments aggregating to Rs.44,27,23,380/- (Rupees Forty Four Crores, Twenty Seven Lakhs, Twenty Three Thousand, Three Hundred and Eighty only) comprising of the principal outstanding amount of Rs.41,10,26,917/- (Rupees Forty One Crores, Ten Lakhs, Twenty Six Thousand, Nine Hundred and Seventeen only) towards the monthly bills issued by the Petitioner for injecting the power generated from the Project into the State power grid*

along with the delay surcharge amounting to Rs.3,16,96,463/- (Rupees Three Crores, Sixteen Lakhs, Ninety Six Thousand, Four Hundred and Sixty Three only) calculated up till 25.12.2019;

- b) direct the Respondents to open a revolving Letter of Credit for a minimum period of 1 year in favor of the Petitioner in terms of Clause 5.3 of each of the seven Power Purchase Agreements dated 29.05.2010;*
- c) pass such and further order(s) as this Hon'ble Commission thinks fit and proper in the present case”.*

2. Sri Anil Dutt, learned counsel for the petitioner submitted that as undertaken on 30-12-2020, the respondents have cleared all the arrears upto January, 2021. He also fairly submitted that as held out on behalf of his client that if the respondents clear the arrears upto January, 2021 they will waive their right to claim Late Payment Surcharge, the petitioner has waived such surcharge. He, however, requested that this may not be treated as a precedent. Learned counsel also made a feeble attempt to press for the relief of directing the respondents to open a revolving Letter of Credit. However, considering the weak financial position of the respondents, the learned counsel has not pressed for the said relief.

3. In the light of the above, the O.P. is closed, however, with liberty to the petitioner to approach this Commission if and when any further grievance arises in the respect of the implementation of the PPA in future.

Sd/-
Thakur Rama Singh
Member

Sd/-
Justice C.V. Nagarjuna Reddy
Chairman

Sd/-
P. Rajagopal Reddy
Member