



ANDHRA PRADESH ELECTRICITY REGULATORY COMMISSION

4thFloor, Singareni Bhavan, Red Hills, Hyderabad 500004

WEDNESDAY, THE TWENTY EIGHTH DAY OF SEPTEMBER,
TWO THOUSAND AND TWENTY TWO

:Present:

Justice C.V. Nagarjuna Reddy, Chairman

Sri P. Rajagopal Reddy, Member

Sri Thakur Rama Singh, Member

RP No.4 of 2022 in OP No.52 of 2019

Between:

Andhra Pradesh Power Development Company Limited, Plot No 29, Road No 1, Central Excise Colony, Andhra Loyola College Road, Vijayawada 520008, represented by its Chief General Manager.

... Petitioner

And

1. Southern Power Distribution company of Andhra Pradesh Ltd., Tiruchanoor Road, Kesvayana Gunta, Tirupati-517 501, represented by its Managing Director.
2. Eastern Power Distribution company of Andhra Pradesh Ltd., P&T Colony, Seethammadhara, Visakhapatnam 530020, represented by its Managing Director.
3. Andhra Pradesh Central power Distribution Company Ltd., Corporate Office, Beside Polytechnic College, ITI Road, Vijayawada, represented by its Managing Director.

....Respondents

This Review Petition has come up for final hearing before us today in the presence of Sri K. Gopal Choudary, learned counsel for the petitioner and Sri P. Shiva Rao, learned counsel for the power utilities, upon carefully considering the material available on record and upon hearing the arguments of the learned counsel for both parties, the Commission passed the following:

ORDER

This Petition is filed seeking review of the order dated 13-8-2020 passed in O.P.No.52 of 2019. It is pleaded that 85% stipulation for fixed cost recovery as per the order dated 13-8-2020 with retrospective effect from the date of PPA will be unjust and the same will cause irreparable harm and injury to the petitioner; that the target availability for fixed cost

recovery for the period from the CoD of the project upto the time of materialisation of the additional coal allocation may be directed to be considered at 80%; and that from the month of October, 2021 the target availability for fixed cost recovery and for applicability of incentive may be directed to be considered as 85%.

Both the parties filed an undated Joint Memo, wherein it is, *inter alia*, stated as under:

“ 1) The Petitioner & Respondents (1, 2 & 3) submit that in the above case, after prolonged deliberations, both the parties (i.e., APPDCL & APDISCOMs) have agreed to resolve the issue in the presence of the Special Chief Secretary/Energy & Chairman/APPCC, vide: APPCC meeting held on 5-9-2022. As such the respondents (1, 2 & 3) have agreed to consider 85% of threshold PLF with effect from the date of obtaining additional FSA.

2) In this regard, the Respondents (1, 2 & 3) and the Petitioner (APPDCL) submit that Hon'ble APERC may be pleased to pass orders in terms of said resolution of the dispute towards full and final settlement of payment of fixed charges on normative availability of power of 85% of the capacity and the payment of incentive also to commence from above 85% between the parties from the said date of obtaining additional FSA.

3) Further, the DISCOMs pray for the liberty from the Hon'ble Commission to permit them to claim the amount as true up claim in further course of time.

4) In view of the above, the Petitioner and Respondents (1, 2 & 3) humbly pray that the Hon'ble Commission may be pleased to dispose of the petition filed by M/s APPDCL in term; of said agreement of parties” .

At the hearing, Sri K.Gopal Chowdary, learned counsel for the Review Petitioner and Sri P.Shiva Rao, learned Standing Counsel for the respondents, affirmed the settlement between the parties and requested for disposal of the Review Petition in terms of the Joint Memo.

In the light of the above, the Review Petition is disposed of in terms of the undated Joint Memo filed on 27-9-2022.

Sd/-
Thakur Rama Singh
Member

Sd/
Justice C.V. Nagarjuna Reddy
Chairman

Sd/
P. Rajagopal Reddy
Member