



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

OP No.43 of 2020

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. Central power Distribution company of Andhra Pradesh Ltd., Corporate Office, Beside Polytechnic College, ITI Road, Vijayawada, represented by its Managing Director.
4. Transmission corporation of Andhra Pradesh Ltd., Vidyut Soudha, Gunadala, Vijayawada 500004, represented by its Managing Director.
5. Andhra Pradesh power Generation corporation Ltd., Vidyut Soudha, Gunadala, Vijayawada 500004, represented by its Managing Director.

....Respondents

This 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 O.P. is filed for the following substantive relief:

“In the aforesaid facts and circumstances, and for the aforesaid submissions and reasons, and for such other reasons and submissions that may be urged during the course of the proceedings and/or at the hearing, the Petitioner prays that this Hon'ble

Commission be pleased to direct the Respondent Distribution Licensees to pay to the Petitioners an amount of Rs 456.48 crores (or such other amount adjusted pursuant to the outcomes of the pending proceedings relating to tariff) towards fixed charges for the availability declared and operated by the Petitioner relating to the coal diverted to the Petitioner from RTPP-I & III of the 4th Respondent, together with interest for delayed payment as applicable; and/or to pass such further or other order as the Hon'ble Commission considers fit or expedient in the facts and circumstances of the case so that justice may be done".

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 accept Rs.202-61 Crores (i.e. against the APPDCL claim of Rs.456-48 Crores relating to operation of projects as per flexi coal policy between RTPP & SDSTPS Stage-I during FY 2018-19 and FY 2019-20.

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 and the respondents have agreed to pay Rs.202.61 Crores to the petitioner towards full and final settlement of flexi coal payment dispute between the parties.

3. Further the APDISCOMs pray for the liberty from the Hon'ble Commission to permit them to claim this amount as true up claim in FPPCA during further course of time.

4. In view of the above, the Petitioner and Respondents (1, 2 & 3) humbly prays that the Hon'ble commission may please dispose of the petition filed by M/s APPDCL in terms of said agreement/settlement and or pass orders directing the Respondents to pay Rs.202.61 Crores to the petitioner without interest".

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 OP in terms of the Joint Memo.

In the light of the above, the OP 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