



TELANGANA STATE ELECTRICITY REGULATORY COMMISSION
5th Floor, Singareni Bhavan Lakdi-ka-pul Hyderabad 500004

O.P.No.29 of 2020

&

I.A.No.15 of 2020

Dated 02.06.2021

Present

Sri T. Sriranga Rao, Chairman
Sri M. D. Manohar Raju, Member (Technical)
Sri Bandaru Krishnaiah, Member (Finance)

Between:

M/s Gayatri Sugars Limited,
B2, 2nd Floor, TSR Towers,
Somajiguda, Rajbhavan Road,
Hyderabad-500 082

... Petitioner

AND

Northern Power Distribution Company of Telangana Limited,
H.No.2-5-31/2, Corporate Office, Vidyut Bhavan,
Nakkalagutta, Hanamkonda, Warangal-506 001.

... Respondent

This petition has come up for hearing on 09.11.2020 and 11.12.2020. Sri Challa Gunaranjan, Advocate for the petitioner and Sri. Y. Rama Rao, Advocate for respondent appeared through virtual hearing on 09.11.2020 and 11.12.2020. This petition having been heard and having stood over for consideration to this day, the Commission passed the following:

ORDER

M/s Gayatri Sugars Limited has a filed present petition under section 62 read with section 86 (1) (b) of the Electricity Act, 2003 (Act, 2003) for determination of tariff towards fixed cost to take effect on completion of the 10 years of the project from the commercial operation date in so far as 16.5 MW bagasse-based cogeneration project. The contentions of the petitioner are as below.

- a) The petitioner is a company incorporated under the provisions of the Companies Act, 1956 engaged in the business of manufacture and sale of

sugar and allied products at its unit in Maagi village, Nizamsagar mandal, Nizamabad District. The petitioner in the process has established nonconventional energy project that is bagasse-based cogeneration project with a total capacity of 16.5 MW in the erstwhile state of Andhra Pradesh and accordingly has entered into a power purchase agreement (PPA) dated 11.05.2006 for a period of 20 years with APNPDCL and presently is in the state of Telangana. Now by virtue of the A.P. State Reorganization Act, 2014 (Central Act, 6 of 2014), the PPA entered is vested with the respondent. The petitioner achieved COD on 16.05.2007.

- b) It is stated that during the FY 2003-04, the APTRANSCO was purchasing electricity from the nonconventional energy projects at a price of Rs. 3.48 per unit which was based on the MNES determined price of Rs. 2.25 per unit in FY 1994-95 increased by 5% cumulatively each year thereafter. On the same basis, the price for FY 2004-05 would be Rs.3.65 per unit.
- c) It is stated that the parliament enacted the Act, 2003 with the object of consolidating and amending the laws relating to the regulation of electricity, and repealing the Electricity Act, 1910 (Act, 1910) and the Electricity (Supply) Act, 1948 (Supply Act) and the Electricity Regulatory Commissions Act, 1998 (Act, 1998) and also superseding the provisions of the state Reform Act which are inconsistent with the provisions of the Act, 2003. In the Act, 2003, it is contemplated that generation of electricity be freed from regulation substantially and the renewable sources of energy have been given mandatory promotion and protection. There is mandatory purchase by the distribution licensees of a minimum amount of the consumption in their local areas from renewable energy sources at tariffs to be determined by the state Commission upon application by the generating company. The Act, 2003 was brought into force with effect from 10.06.2003.
- d) It is stated that the erstwhile APERC in terms of order dated 20.06.2001 in O. P. No. 1075 of 2000 had undertaken review of incentives including purchase price to be given effect from 01.04.2004 in respect of non-conventional energy projects. Accordingly vide orders dated 20.03.2004 in R. P. No. 84 of 2003 in O. P. No.1075 of 2000, the erstwhile APERC fixed purchase price of power from new and renewable energy projects. The purchase price thus fixed consisted of fixed cost and variable cost. The fixed cost is determined for a

period of ten years and the variable cost is fixed for the period from FY 2004-05 to FY 2008-09 that is for a period of 5 years. In the said order it is also stated that further review of the tariff structure valid for a control period of 5 years shall be reviewed on completion of the said period after consultation with the developers.

- e) It is stated that as per schedule-I of the PPA, the petitioner was to generate 16.1 MW during the sugar season for 150 days out of which 1.61 MW was for auxiliary consumption, 3.5 MW for captive consumption, and the rest 10.99 MW was for export to the grid for sale to the DISCOM. Similarly, during the off season, the petitioner was to generate 16.5 MW for 100 days out of which 1.55 MW was for auxiliary consumption, 0.2 MW for captive consumption, and the rest 14.75 MW was for export to the grid for sale to the DISCOM. It is stated that for the first 10 years, the tariff as fixed by the terms of the PPA was based on a PLF of 55% and where such PLF was exceeded for any settlement period, the petitioner would be entitled to only the variable charges. Further, as per the terms of the PPA the total tariff consisting of both the fixed and variable cost was capped at Rs. 2.63 per unit.
- f) It is submitted that as per schedule-1A of the PPA, the following fixed tariff structure was applicable to the petitioner:

Year of Operation (nth year)	Fixed cost (Rs./Unit)
1 st	1.57
2 nd	1.52
3 rd	1.48
4 th	1.44
5 th	1.39
6 th	1.35
7 th	1.31
8 th	1.27
9 th	1.23
10 th	0.90

- g) It is stated that the erstwhile APERC by its order dated 31.03.2009 determined the variable cost in respect of bagasse-based cogeneration projects for the FY 2009-10 to FY 2013-14, however the respondent continued to pay the petitioner

as per the variable tariff stated in the PPA. The petitioner, aggrieved by this action, approached the erstwhile APERC seeking directions to the respondents to pay the variable tariff fixed by the erstwhile APERC, which O. P. was dismissed. The petitioner preferred an appeal vide Appeal No. 310 / 2013, which by order dated 20.11.2014 set aside the order of the erstwhile APERC and remanded the matter back to the Commission for considering the revision of the tariff.

- h) It is stated that upon remand of the above Appeal No.310/2013, vide order dated 18.09.2015 in O. P. No. 4 of 2015 and R. P. (SR) No.56 of 2015 in O. P. No. 4 of 2015, the Commission had directed the DISCOM to pay the variable tariff as determined by the Commission from time to time. It is further stated that two amendments to the PPA were entered into on 12.05.2006 recording the change of name of the petitioner subsequent to the amalgamation of M/s GSR Sugars Private Limited and M/s Gayatri Sugars Limited and on 03.09.2016 wherein the variable cost determined by the SERC was made applicable to the petitioner from 02.07.2011 onwards, as per the Commission's order dated 18.09.2015.
- i) It is stated that in the meantime, the erstwhile APERC vide order dated 05.08.2014 in O. P. Nos. 8 of 2011, 9 of 2012, 12 of 2012, 22 of 2014 and 25 of 2014 determined the fixed cost for the 11th to 20th year of operation of all bagasse based non-conventional energy projects by considering normative parameters of the capital cost, debt-equity ratio, PLF, ROE, interest rate, depreciation, auxiliary consumption and debt repayment period. The erstwhile APERC determined the fixed cost from the 11th to the 20th year as follows:

Year of Operation	Fixed cost (Rs./Unit)
11	1.18
12	1.22
13	1.27
14	1.32
15	1.37
16	1.43
17	1.49
18	1.55

Year of Operation	Fixed cost (Rs./Unit)
19	1.62
20	1.70

- j) It is stated that after the 10th year of operation in 2017, the petitioner's plant continued to be paid only Rs.0.90 / kWh, that is the 10th year tariff by the respondent despite the determination of fixed tariff from the 11th to 20th by the erstwhile APERC. The aforementioned order of the erstwhile APERC sets out the generic tariff (fixed cost) for all bagasse based non-conventional energy projects which have completed their 10th year of operation and applied to projects for the balance period, that is from the 11th year to the 20th year. All orders, and decisions of the erstwhile APERC have been adopted by the Commission vide Regulation No.1 of 2014. Even the respondent has also been following the said order for other projects as mentioned hereunder.
- k) It is stated that the Commission vide order dated 20.10.2018 had also determined the generic levelized fixed tariff for NCE based cogeneration plants at Rs. 2.23/- unit from FY 2010-11 to FY 2029-30 for all projects achieving COD during the control period from FY 2018-19 to FY 2019-20 and adoptable for projects which had achieved COD after 2009.
- l) It is stated that the petitioner and the respondent had executed an amended PPA incorporating the fixed cost for the 11th to 20th year as per the fixed cost determined by the erstwhile APERC vide order dated 05.08.2014 and the same was placed before the Commission by the respondent. However, vide the respondent's letter dated 28.12.2017, it was informed to the petitioner that consent of the Commission was not given as it was apparently informed to the respondent that the determination of tariff towards fixed cost cannot be on the basis of a generic tariff, as the same would vary from project to project.
- m) It is stated that while the respondent had been paying the petitioner the 10th year tariff of Rs. 0.90/- unit till date, the respondent is paying the tariff as per the order of the erstwhile APERC in its jurisdiction for other similarly situated plants which are in their 11th to 20th year of operation, including the petitioner's second plant situated at Kamareddy. There cannot be any discrimination among similarly situated projects which have completed 10 years of operation and the petitioner is entitled for the above tariff as fixed by the erstwhile APERC.

Even otherwise, alternatively, for the balance period, the tariff for the petitioner's project has to be determined on a project specific basis for which the petitioner has furnished the relevant data along with the petition.

- n) It is stated that as the petitioner has been receiving a fixed cost which is consistently lower than the generic fixed cost determined by the erstwhile APERC from time to time and has therefore financially suffered due to the same for the first 10 years of operation, the Commission may be pleased to consider fixing a tariff which may be appropriate recompense to the petitioner.
- o) It is stated that the details including the capital cost, debt-equity ratio, PLF, ROE, interest rate, depreciation, auxiliary consumption and debt repayment period and details of term loans are placed before the Commission.

2. The petitioner has sought the following prayer in the petition.

"Wherefore, it is most respectfully prayed that this Hon'ble Commission may be pleased to determine the fixed cost of the petitioner's 16.5 MW bagasse based cogeneration project situated at Maagi (V), Nizamsagar (M), Nizamabad District for the period 11th to 20th years of operation in terms of the PPA dated 12.05.2006 either by fixing project specific tariff or alternatively extending the generic tariff as fixed by order dated 05.08.2014 in O. P. No. 8 of 2011, 9 of 2012, 12 of 2012, 22 of 2014 and 25 of 2014 and consequently direct the respondent to pay the differential tariff from the 10th year onwards."

3. The petitioner has filed an Interlocutory Application (I.A.) and stated therein as below.

- a) The petitioner is a company incorporated under the provisions of the Companies Act, 1956 engaged in the business of manufacture and sale of sugar and allied products at its unit in Maagi village, Nizamsagar mandal, Nizamabad District. The petitioner in the process has established non-conventional energy project that is bagasse-based cogeneration project with a total capacity of 16.5 MW in the erstwhile state of Andhra Pradesh and accordingly has entered into a power purchase agreement (PPA) dated 12.05.2006 for a period of 20 years with APNPDCL and presently is in the state of Telangana. Now by virtue of the Central Act No.6 of 2014, the PPA entered is vested with the respondent. The petitioner achieved COD on 16.05.2007.

- b) It is stated that during FY 2003-04, the APTRANSCO was purchasing electricity from the non-conventional energy projects at a price of Rs. 3.48 per unit which was based on the MNES determined price of Rs. 2.25 per unit in FY1994-95 increased by 5% cumulatively each year thereafter. On the same basis, the price for FY 2004-05 would be Rs.3.65 per unit.
- c) It is stated that the parliament enacted the Act, 2003 with the object of consolidating and amending the laws relating to the regulation of electricity, and repealing the Act, 1910 and the Supply Act and the Act, 1998 and also superseding the provisions of the state Reform Act which are inconsistent with the provisions of the Act, 2003. In the Act, 2003, it is contemplated that generation of electricity be freed from regulation substantially and the renewable sources of energy have been given mandatory promotion and protection. There is mandatory purchase by the distribution licensees of a minimum amount of the consumption in their local areas from renewable energy sources at tariffs to be determined by the state Commission upon application by the generating company. The Act, 2003 was brought into force with effect from 10.06.2003.
- d) It is stated that the erstwhile APERC in terms of order dated 20.06.2001 in O. P. No. 1075 of 2000 had undertaken review of incentives including purchase price to be given effect from 01.04.2004 in respect of non-conventional energy projects. Accordingly vide orders dated 20.03.2004 in R. P. No. 84 of 2003 in O. P. No.1075 of 2000, the erstwhile APERC fixed purchase price of power from new and renewable energy projects. The purchase price thus fixed consisted of fixed cost and variable cost. The fixed cost is determined for a period of ten years and the variable cost is fixed for the period from FY 2004-05 to FY 2008-09 that is for a period of 5 years. In the said order it is also stated that further review of the tariff structure valid for a control period of 5 years shall be reviewed on completion of the said period after consultation with the developers.
- e) It is stated that two amendments to the PPA were entered into recording the change of name of the petitioner subsequent to the amalgamation of M/s GSR Sugars Private Limited and M/s Gayatri Sugars Limited and on 03.09.2016 wherein the variable cost determined by the SERC was made applicable to the petitioner from 02.07.2011 onwards, as per this Hon'ble Commission's order

dated 18.09.2015.

- f) It is stated that the erstwhile APERC vide order dated 05.08.2014 in O. P. Nos. 8 of 2011, 9 of 2012, 12 of 2012, 22 of 2014 and 25 of 2014 determined the fixed cost for the 11th to 20th year of operation of all bagasse based non-conventional energy projects by considering normative parameters of the capital cost, debt equity ratio, PLF, ROE, interest rate, depreciation, auxiliary consumption and debt repayment period. The erstwhile APERC determined the fixed cost from the 11th to the 20th year as reproduced in the earlier paragraphs.
- g) It is stated that after the 10th year of operation in 2017, the petitioner's plant continued to be paid only Rs.0.90/kWh, that is the 10th year tariff by the respondent despite the determination of fixed tariff from the 11th to 20th by the erstwhile APERC. The aforementioned order of the erstwhile APERC sets out the generic tariff (fixed cost) for all bagasse based non-conventional energy projects which have completed their 10th year of operation and applied to projects for the balance period, that is from the 11th year to the 20th year. All orders and decisions of the erstwhile APERC have been adopted by the Commission vide Regulation No.1 of 2014. Even the respondent has also been following the said order for other projects.
- h) It is stated that the Commission vide order dated 20.10.2018 had also determined the generic levelized fixed tariff for NCE based cogeneration plants at Rs. 2.23/- unit from FY 2010-11 to FY 2029-30 for all projects achieving COD during the control period of FY 2018-20 and adoptable for projects which had achieved COD after 2009.
- i) It is stated that while the respondent had been paying the petitioner the 10th year tariff of Rs. 0.90/unit till date, the respondent is paying the tariff as per the order of the erstwhile APERC in its jurisdiction for other similarly situated plants which are in their 11th to 20th year of operation including the petitioner's second plant situated at Kamareddy.
4. The petitioner has sought the following prayer in the Interlocutory Application.
"Wherefore, it is most respectfully prayed that this Hon'ble Commission may be pleased to direct the respondent to pay the generic tariff as fixed by order dated 05.08.2014 in O. P. Nos. 8 of 2011, 9 of 2012, 12 of 2012, 22 of 2014 and 25 of 2014, during the pendency of the present petition."

5. The respondent in the case has filed a counter affidavit and stated as below.
- a) It is stated that the petitioner has filed the present petition before the Commission under sections 62 and 86 (1) (b) of the Act, 2003 seeking for determination of fixed cost tariff to take effect from 11th year of operation for their 16.5 MW bagasse-based co-generation project located at Maagi village, Nizamsagar mandal, Nizamabad district.
 - b) The petitioner is praying for determination of fixed cost to the petitioner's project for the period from 11th to 20th years of operation in terms of PPA dated 12.05.2006 either by fixing project specific tariff or alternatively extending the generic tariff as fixed by order dated 05.08.2014 in O. P. Nos. 8 of 2011, 9 of 2012, 12 of 2012, 22 of 2014 and 25 of 2014 and consequently to direct the respondent to pay the differential tariff from the 10th year onwards.
 - c) As an interim relief, the petitioner is seeking to pay generic tariff as fixed by order dated 05.08.2014.
 - d) For better understanding, the brief chronology of events pertaining to the petitioner viz, M/s Gayatri Sugars Limited is submitted as below:
 - i) M/s Gayatri Sugars Limited (formerly M/s G.S.R Sugars Private Limited) had entered into PPA dated 12.05.2006 with the then APNPDCL for sale of power from their 16.5 MW bagasse-based cogeneration project located at Maagi (Village), Nizamsagar (Mandal), Nizamabad (District), with the negotiated tariff. The COD of the project is 16.05.2007.
 - ii) The PPA with M/s Gayatri Sugars Limited (formerly M/s G.S.R Sugars Private Limited) stipulated that the tariff comprising both fixed cost and variable cost shall not exceed Rs. 2.63 per kWh. Certain PPAs were entered with NCE generators on negotiated tariff, which was within the ceiling tariff (generic tariff) determined by erstwhile APERC.
 - iii) M/s Gayatri Sugars Limited, earlier filed petition O. P. No. 58 of 2011 before the then APERC requesting for revision of tariff. APERC vide order dated 31.08.2012 dismissed the petition. Aggrieved by the order, the generator filed Appeal No.310 of 2013 before APTEL.
 - iv) Subsequently, M/s Gayatri Sugars Limited filed petition O. P. No. 4 of 2015 before the Commission seeking to implement the guidelines issued by the ATE to determine the tariff payable vide order dated 20.11.2014 in Appeal No.310 of 2013.

- v) Consequently, as per the directions of the APTEL to modify the PPA to promote the renewable energy and to apply generic tariff orders to the developer, the Commission vide order dated 08.09.2015 in O.P.No.4 of 2015 allowed to modify the PPA adopting variable cost from the generic tariff orders. However, the fixed cost (for first 10 years of operation) was continued as contained in the PPA.
- vi) Accordingly, the amendment dated 03.09.2016 to the PPA dated 12.05.2006 was entered duly incorporating the Commission orders dated 18.09.2015.
- vii) Further, the PPA also stipulated that the fixed charges from the 11th year onwards shall be negotiated but shall not exceed the fixed charges determined by the Commission for bagasse-based projects.
- viii) Provisionally, the petitioner is being paid fixed cost at the rate of Rs.0.90 per kWh (the 10th year FC) for the energy being supplied from 11th year onwards. However, the variable cost is being paid as per the TSERC orders from time to time on par with the other bagasse developers.
- ix) In light of the provisions of the PPA, negotiations were held with M/s.Gayatri Sugars Limited and the generator requested to allow the fixed cost from 11th to 20th year of operation as per the generic tariff order dated 05.08.2014 issued by joint APERC on par with other developers.
- x) The request of the petitioner was examined and the proposal of the generator was accepted by the respondent for allowing the fixed cost from 11th to 20th year of operation as per the generic tariff order dated 05.08.2014.
- xi) Accordingly, TSNPDCL entered into amendment PPA and submitted to Commission for according consent. However, TSERC refused to accord consent, expressing that the determination of tariff towards fixed charges cannot be on the basis of a generic tariff, as the same vary from project to project depending on several factors. Thus, the Commission was not inclined to grant consent to the agreement to amend the schedule of fixed charges and directed the licensee to approach the Commission with a proper petition duly complying with the Conduct of Business Regulation, 2015 and Fee Regulation No. 2 of 2016.
- xii) As directed by the Commission, petition seeking determination of fixed

cost tariff from 11th to 20th year of operation for the energy being supplied by M/s Gayatri Sugars Limited was filed before TSERC by TSNPDCL.

- xiii) However, the said petition was returned by the Commission for complying certain defects / objections. Consequently, the replies to the queries raised by the Commission were addressed by TSNPDCL and submitted to TSERC.
 - xiv) Be that as may be, the developer M/s Gayatri Sugars Limited has filed the present petition O. P. No. 29 of 2020 along with I. A. No.15 of 2020 praying for determination of fixed cost tariff for their project from 11th to 20th year of operation.
- d) In the matter of the I.A. filed by the developer, the petitioner stated that:
- i) The schedule-IA of PPA dated 12.05.2006 entered with M/s Gayatri Sugars Limited for sale of power from their 16.5 MW bagasse-based cogeneration project, states that the fixed charges from 11th year onwards shall be negotiated but shall not exceed the fixed charges determined by the Commission for bagasse-based projects from time to time.
 - ii) Accordingly, in terms of the above proviso, negotiations were conducted with M/s Gayatri Sugars Limited and the generator requested to allow fixed cost tariff from 11th to 20th year of operation as per generic tariff orders dated 05.08.2014 issued by joint APERC, on par with the other bagasse-based co-generation developers. In-principle, the tariff for fixed cost is arrived at after the negotiations, as per the provisions of PPA.
 - iii) It stated that based on the detailed analysis of the financial and operational parameters relevant to the performance of bagasse projects over the last ten years, including aspects like loan repayment, actual generation as compared to the normative Plant Load Factor (PLF) and the overall financial health of the project developers, the joint Commission came to the conclusion that the performance of all the project developers is broadly consistent with the existing norms and issued generic orders dated 05.08.2014 determining fixed cost payable all the bagasse based projects from 11th to 20th year of operation.(reproduced elsewhere in this order)
 - iv) Taking into consideration the findings of the Commission and tariff in the

generic tariff order dated 05.08.2014, the respondent allowed the fixed cost from 11th to 20th year of operation to M/s Gayatri Sugars Limited on par with the other bagasse-based co-generation developers. And accordingly, amendment PPA was entered.

- v) It stated that all the bagasse-based co-generation projects selling energy under PPA with TSDISCOMs are being paid fixed cost tariff as per the generic tariff order dated 05.08.2014.
- vi) In light of the submissions made above, the Commission may be pleased to extend the fixed cost generic tariff determined vide orders dated 05.08.2014 to the petitioner's project also.

6. The petition was taken up for hearing after notice. Heard the counsel for the parties and submissions recorded as below. The Commission also examined the connected record in the matter.

Record of proceedings dated 09.11.2020

"... The counsel for the petitioner stated that the petitioner is a bagasse-based cogeneration plant and had entered into a PPA with respondents in the year 2006. It has completed 10 years of the PPA in the year 2016. As per the PPA, the petitioner is entitled to revised fixed costs from the 11th year onwards as determined by the Commission after reviewing the payment of loans in the 1st 10 years. The counsel for the petitioner submitted that the erstwhile APERC had determined the fixed costs that is applicable to the power plant from the 11th year onwards in the generic order passed on 22.07.2014. The licensee ought to have obtained orders from the completion of 10 years from the Commission with regard to the rate of fixed costs to be paid by them to the petitioner. In the alternative, they should have paid the generic tariff applicable to the relevant year of operation as determined by the erstwhile APERC. Neither of them have resorted to by the licensee. The counsel of the respondent sought time for filing counter affidavit of the respondent stating that the matter has come up for the first time. The counsel for the petitioner submitted that the petitioner has also filed an interlocutory application for interim orders towards payment of fixed costs in accordance with the order passed by the erstwhile APERC pending disposal of the original petition. ..."

Record of proceedings dated 11.12.2020

“... The counsel for the petitioner stated that the petitioner is seeking determination of fixed costs in terms of the order passed by the erstwhile APERC in the year 2014 or to fix the project specific tariff. He also narrated the sequence of events in the matter. The counsel for the respondent stated that the respondent is agreeable for adopting the fixed costs tariff as determined erstwhile APERC. As such there is no issue to be decided in the matter in terms of the concession made in the counter affidavit. ...”

7. The Commission views that the short question that arises for consideration is *‘whether the petitioner is entitled to the relief sought for and if so, which tariff should be made applicable?’*

8. Inasmuch as the parties were in consensus ad idem as far as tariff is concerned subsequent to the directions of the Commission to the licensee when it sought consent for amendment to the PPA which the Commission refused and required filing of a petition by the licensee for determination of tariff.

9. In view of the concession made by them in the counter affidavit that they are agreeable for the tariff as determined by the Commission, there remains little scope for the Commission to traverse beyond the agreement impliedly reached by the parties.

10. In this context it has to be stated as per the PPA the petitioner would have been entitled to Rs.0.90 per unit of fixed cost. However, the petitioner has agreed with the licensee to avail fixed cost as determined by the erstwhile APERC in order dated 05.08.2014 and has now claimed the same to be fixed as an alternative prayer which has been conceded by the respondent.

11. As such the Commission is not inclined to dwell into the other contentions and accordingly allows licensee to negotiate the tariff between themselves considering the tariff specified in the order dated 05.08.2014 which has been adopted by this Commission in Regulation No. 1 of 2014 as the ceiling tariff. Such negotiated tariff would come to effect from the 11th year from the commercial operation date i.e., 16.05.2017 onwards. Therefore, the issue is answered accordingly.

12. The licensee is directed to submit the revised PPA negotiated with the petitioner based on the ruling in the above paragraph at the earliest.

13. Any arrears of the amount in difference of tariff shall be settled and payment made within a period of eight (8) weeks from the date of approval of the PPA. Accordingly, the present petition is allowed to the extent indicated. No costs. As a sequel and in view of the disposal of the main petition, the interlocutory application is closed.

This order is corrected and signed on this the 02nd day of June, 2021.

Sd/-
(BANDARU KRISHNAIAH)
MEMBER

Sd/-
(M.D. MANOHAR RAJU)
MEMBER

Sd/-
(T. SRIRANGA RAO)
CHAIRMAN

