

COURT-I

**IN THE APPELLATE TRIBUNAL FOR ELECTRICITY
(Appellate Jurisdiction)**

**IA NO. 1465 OF 2019 IN
DFR (O.P) NO. 2238 OF 2019**

Dated: 7th August, 2019

**Present: Hon'ble Mrs. Justice Manjula Chellur, Chairperson
Hon'ble Mr. S.D. Dubey, Technical Member**

In the matter of:

**Axis Wind Farms (Penna) Private Limited & Ors. Applicant (s)
Versus
Andhra Pradesh Electricity Regulatory
Commission & Ors.. Respondent(s)**

Counsel for the Petitioner(s) : Mr. Sanjay Sen, Sr. Adv.
Ms. Poonam Verma

ORDER

We have heard Mr. Sanjay Sen, learned senior counsel for the petitioners.

At Annexure-21, the name of the present Petitioner-Axis Wind Farms (Penna) Private Limited is found at bottom of the page 900. It refers to 21 PPAs pertaining to wind energy. The public hearing was also notified. The next date of hearing is 17.08.2019. The matter came up on

27.07.2019. The relevant portion of the proceedings pertaining to this Petition is at Page 901 of the appeal paper book, which reads as under:

“Chief General Manager/IPC/APSPDCL on behalf of APSPDCL filed a Memo stating that in view of the precarious financial position of AP Discoms and consequent inability to bear the additional financial burden involved in purchasing power from 21 Nos. wind developers, AP Discoms have decided to withdraw the PPAs entered with various wind power projects clients of M/s Suzlon and M/s Axis Energy Ventures India Private Limited and that since the PPAs are not yet approved, the same is not enforceable and the APSPDCL is at liberty to withdraw the same and that hence, permission is requested to withdraw the 21 Nos. PPAs entered with various wind power projects clients of M/s Suzlon and M/s Axis Energy Ventures India Private Limited. Sri Deepak Chowdhury, learned counsel for the petitioners sought for time for filing objections to the Memo. Hence, the matter is posted to 17.08.2019.

17-08-2019

At 11:00 AM

Sd/-
MEMBER/PRM

Sd/-
MEMBER/PR

Sd/-
CHAIRMAN”

Learned counsel submits that from the date of signing of PPAs, position/interest of the parties especially the Petitioners is altered, whereby they have already invested huge amounts to proceed with the scheme in terms of PPA, which are pending approval by Respondent-Commission. They apprehend that in case on 17.08.2019, the

Respondent-Commission approves the withdrawal of the petitions pending for approval of PPAs, irreparable injury and loss apart from great financial burden will be faced by the Petitioners, since bank guarantees for substantial amount has already been given to nodal agencies. Issue ad-interim stay of the further proceedings pending before the Respondent-Commission pertaining to the matter of approval of PPAs of Petitioners vis-à-vis 21 PPAs.

Issue notice to the Respondents returnable on 26.08.2019.

Dasti in addition is permitted.

List the matter on **26.08.2019.**

(S.D. Dubey)
Technical Member

Ts/prk

(Justice Manjula Chellur)
Chairperson