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IWPA/APHC/100/2020-21

Date: 05.12.2020

To,

**The Hon'ble Registrar
High Court of Andhra Pradesh,
Amaravathi,
Andhra Pradesh**

Sub: Request for urgent listing of W.A 392 of 2019 (matter related to RE PPA tariff and enormous delay in payment in state of AP) i.e. Indian Wind Power Association and Others vs. State of Andhra Pradesh and Others & connected batch matters

Respected Sir,

We are writing to your good offices to bring to your kind notice the gravity of situation regarding the pendency of batch of writ appeals (W.A 392 of 2019 and batch) regarding renewable power projects which were part heard and are pending for adjudication since Dec 2019. The said batch of writ petitions amongst others include material issues such as payment of the outstanding invoices as per tariff agreed in Power Purchase Agreements executed by developer companies with the Distribution Companies of Andhra Pradesh.

We would like to inform you that the aforementioned batch matter were last heard in the month of February 2020 and thereafter due to the national lockdown for COVID 19 pandemic while April 8, 2020 was assigned but could not be heard. ***We would also bring to your attention that almost all these developer companies which have filed writ appeals are our members. It is pertinent to mention that since August 2018 these developer companies have not been paid as per the full tariff agreed under the Power Purchase Agreement ("PPA") for the electricity supplied from their respective projects. The payments made since August 2018 have been made at less than 50% of the agreed tariff and that to have been released with a delay of almost a year from the due date. To add to be peril the invoices submitted since March 2020 no payment has been released to the developer companies. Non-payment/part payment of agreed tariff as per PPA has caused severe financial distress to our members (the aggrieved developers herein) and threatens the sustenance of their projects in operations. The situation in the past two years has been so grave that the project companies have faced severe difficulty in meeting their basic financial obligations like servicing of debts against the project, payment of salaries to its employees. If the situation were allowed to continue these developer companies would not be able to sustain their operations and Indian banking system is at the risk of suffering NPAs to the tune of 15000-18000 Cr due to this delay.*** This could have severe ripple effect for the entire

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banking system. In this regard, IA's seeking urgent listing of the said writ appeals have already been filed using the e-filing portal of the Hon'ble High Court.

It is pertinent to note that Electricity falls under "Essential Service" and the renewable companies are performing their obligations to generate Renewable Power, perform Operation and Maintenance of plant which includes repair and replacement of faulty equipment and continuing to pay salaries to their employees and are committed to assist the citizens of the state including during these troubling times, however, the Discoms in the state seem to be making all endeavors to avoid payments which are necessary for the RE companies to run their businesses. Hence, there is a grave urgency and the Appellants prays to the Hon'ble Court to dispose the captioned writ appeal at the earliest.

Therefore, we humbly request your lordship to list the Writ Appeal No. 392 of 2019 and connected batch matters before the Hon'ble High Court for final hearing immediately.

Thanking you,

**On behalf of Appellants in the writ appeal 392 of 2019 and connected batch matters
Indian Wind Power Association**



(S. Sri Murali)

Copy submitted to:

1. The Private Secretary to Ministry of Power, Government of India, Rafi Marg, Shram Shakti Bhavan, New Delhi.
2. Secretary, Ministry of Power, Government of India, , Rafi Marg, Shram Shakti Bhavan, New Delhi.
3. The Secretary, Ministry of New & Renewable Energy, Block-14, CGO Complex Lodhi Road, New Delhi.
4. The Additional Secretary, Department of Economic Affairs, Ministry of Finance, Room No. 129-B New Delhi – 110001
5. The Chief General Manager, Financial Stability Unit, Reserve Bank of India

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