

**HIGH COURT OF ANDHRA PRADESH : AMARAVATI
(SPECIAL ORIGINAL JURISDICTION)**

WEDNESDAY, THE TWENTY NINTH DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY ONE

:PRESENT:

THE HONOURABLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION NO : 21601 of 2019



Between:

1. Ecoren Energy India Private Limited, having its registered office at Plot No. 1202,1215A, Door No. 8-2-293/82/A/1202, S.L. Jubilee, Road No.61, Jubilee Hills, Hyderabad - 500033 Represented by its Authorized Representative Suresh BabuGudikandula
2. Danu Wind Parks Private Limited, having its registered office at Plot No. 1202,1215A, Door No. 8-2-293/82/A/1202, S.L. Jubilee, Road No.61, Jubilee Hills, Hyderabad - 500033 Represented by its Authorized Representative Suresh BabuGudikandula
3. Aeolus Wind Parks Private Limited, having its registered office at Plot No. 1202,1215A, Door No. 8-2-293/82/A/1202, S.L. Jubilee, Road No.61, Jubilee Hills, Hyderabad - 500033 Represented by its Authorized Representative Suresh BabuGudikandula
4. Fujin Wind Parks Private Limited, having its registered office at Plot No. 1202,1215A, Door No. 8-2-293/82/A/1202, S.L. Jubilee, Road No.61, Jubilee Hills, Hyderabad - 500033 Represented by its Authorized Representative Suresh BabuGudikandula
5. Dindore Winds Private Limited, having its registered office at Plot No. 1202,1215A, Door No. 8-2-293/82/A/1202, S.L. Jubilee, Road No.61, Jubilee Hills, Hyderabad - 500033 Represented by its Authorized Representative Suresh BabuGudikandula
6. Ananthapur Energy Projects Private Limited, having its registered office at 32-5-3, Lakshmi Nilayam, Prajasaktinagar Vijayawada, 520010 Represented by its Authorized Representative Suresh BabuGudikandula
7. Boreas Renewable Energy Private Limited, having its registered office at Plot No. 1202,1215A, Door No. 8-2-293/82/A/1202, S.L. Jubilee, Road No.61, Jubilee Hills, Hyderabad - 500033 Represented by its Authorized Representative Suresh BabuGudikandula
8. Jwalya Wind Private Limited, having its registered office at H. NO. 63/493, Motilal Nagar III, M. G. Road, Goregaon (West), Mumbai- 400090 Represented by its Authorized Representative Suresh BabuGudikandula

Petitioners

AND

1. Union of India,, Represented by its Secretary, Ministry of New and Renewable Energy, Block-14, CGO Complex, Lodhi Road, New Delhi 110003
2. Southern Power Distribution Company of Andhra Pradesh Ltd.,, 19-13-65/A, Srinivasapuram, Tiruchanoor Road, Tirupati, represented by its Chairman and Managing Director and Chief General Manager
3. Central Electricity Authority,, Sewa Bhawan, R.K.Puram, Sector 1, New Delhi 110006 Rep by its Chairperson
4. Reserve Bank of India,, Dept. of Banking Regulation, Central Office, 12th Floor, Shahid Bhagat Singh Marg Fort, Mumbai 400001
5. Indian Renewable Energy Development Agency,, India Habitat Centre, East Court, Core 4A, 1st Floor, Lodhi Road, New Delhi 110 03
6. India Infrastructure Finance Company Ltd.,, 5th Floor, Block - 2, Plate A and B, NBCC Tower, East Kidwai Nagar, New Delhi - 110023
7. Tata Cleantech Capital Ltd., (TCCL), I-Think Techno Campus, A wing, 4th Floor, Off Pokhran Road No. 2, Thane West, Mumbai - 400607
8. M/s PTC India Financial Services Ltd.,, 7th Floor, Telephone Exchange Building, 8 Bhikaji Cama Place, New Delhi 110 066
9. Reliance Capital Limited,, Reliance Centre, 6th Floor, South Wing, Off. Western Express Highway, Santacruz (East), Mumbai - 400 055

Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith the High Court may be pleased to issue a writ, order or direction more particularly in the nature of Mandamus directing the Respondent No. 2, i.e., APSPDCL to make payment of an amount of Rs. 34.05 Crores to the Petitioner No.2, Rs. 17.93 Crores to the Petitioner No. 3, Rs. 32.33 Crores to the Petitioner No. 4, Rs. 8.46 Crores to the Petitioner No. 5 as on 08.12.2019 under the respective PPAs alongwith late payment surcharge at the interim rate of Rs. 2.43/- per unit within a period of 7 days from the date of the order, without prejudice to the rights and contentions of the Petitioners under law, PPA, equity or otherwise and direct the Respondent Nos. 5 to 9 to refrain from taking any precipitative steps/actions against the Petitioners in relation to their respective loan facilities extended to the Petitioners till APSPDCL makes payment of the outstanding dues to the Petitioners as prayed above and further declare that the statutory period of 90 days, for declaring an account as NPA under the RBI Master Circular dated 01.07.2015 and RBI Circular dated 07.06.2019 shall commence after the subject matter of O.P. No. 17 of 2019 is finally decided

IA NO: 1 OF 2019:

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to restrain the Respondents 5 to 9 from taking any coercive action against the Petitioners, pending disposal of WP No. 21601 of 2019 on the file of the High Court.

IA NO: 2 OF 2019:

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to restrain the Respondents 5 to 9 from declaring the Petitioners as Non Performing Assets, pending disposal of WP No. 21601 of 2019 on the file of the High Court.

The petition coming on for hearing and upon perusing the petition and affidavit filed herein and order of the High Court dated 2.1.2020 and upon hearing the arguments of Sri . S.VIVEK CHANDRASEKHAR, Advocate for the Petitioners, Sri. N. HARINATH, Asst. Solicitor General for the Respondent No.1 and of Sri. Y. Nagi Reddy, Sc for the Respondent No.2 the Court made the following

ORDER:

Post on 25.10.2021.

Interim order granted earlier is extended till the end of October, 2021.

Sd/- G. HELA NAIDU
ASSISATNT REGISTRAR

// TRUE COPY //

for **SECTION OFFICER**

To

1. Two CCs to Sri N. HARINATH, Asst. Solicitor General, High Court, A.P.(OUT)
2. One CC to Sri S.Vivek Chandrasekhar, Advocate(OPUC)
3. One CC to Sri Y.Nagi Reddy, Standing Counsel (OPUC)
4. One spare copy.

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HIGH COURT

AVSSJ

DATED: 29-09-2021

NOTE: POST ON 25-10-2021

WP.NO. 21601 OF 2019

INTERIM ORDER EXTENDED

