

ANDHRA PRADESH ELECTRICITY REGULATORY COMMISSION
4th & 5th Floors, Singareni Bhavan, Red Hills, Hyderabad-500 004

O.P.No. 28 of 2006
&
I.A. No. 20 of 2009
&
R. P. (SR) No.22 of 2007
&
I.A. No 8 of 2007
In
I A No 13 of 2006

Dated: 30.03.2010

Present

Sri. A. Raghotham Rao, Chairman
Sri R.Radha Kishen, Member
Sri C.R.Sekhar Reddy, Member

Between

1. Andhra Pradesh Central Power Distribution Company Limited,
Corporate Office, Mint Compound, Hyderabad
2. Andhra Pradesh Southern Power Distribution Company Limited,
Back side Srinivasa Kalyana Mandapam, Kesavanayanagunta,
Tirupati – 517 501.
3. Andhra Pradesh Northern Power Distribution Company Limited,
H. No. 1-1-503 & 504, Opp : “NIT” Petrol Pump, Chaitanyapuri,
Hanamkonda, Warangal – 506 004.
4. Andhra Pradesh Eastern Power Distribution Company Limited.
P & T Colony, Seethammadhara, Visakhapatnam – 500 013.

Petitioners in O.P.No. 28 of 2006 & I.A. No. 20 of 2009 /
Respondents in R. P. (SR) No.22 of 2007 & I.A. No 8 of 2007 In I A No 13 of 2006

And

M/s. Spectrum Power Generation Limited
Regd. Off: Plot No.231, 8-2-293/82/A/231, 3rd Floor,
Road No. 36, Jubilee Hills, Hyderabad – 500 033.

Respondent in O.P.No. 28 of 2006 & I.A. No. 20 of 2009 /
Petitioner in R. P. (SR) No.22 of 2007 & I.A. No 8 of 2007 In I A No 13 of 2006

These petitions coming on for hearing on 23.01.2010 in the presence of Sri. Sri P. Shiva Rao, Advocate for the petitioners / respondents, and Sri. Umashanker, Advocate on behalf of Sri. S Ravi, Advocate for the respondent / petitioner and having stood over for consideration to this day, the Commission passed the following:

ORDER

The petitioners have filed a petition u/s 86 (1) (f) of the Electricity Act, 2003 read with regulations 8 and 9 of APERC Business Regulations, 1999 (a) to declare the that the claim of the respondent made through its letters dated 12.01.2006 and 16.01.2006 in respect of deduction of excess amount paid towards ROE during open cycle period is illegal nonest and redundant, (b) to direct the respondent to oblige the deductions made by the petitioners in the December energy bill of the respondent and for such other reliefs

2. Later the respondent filed a petition for referring the matter to arbitration in I A No 13 of 2006 which was refused by an order dated 02.03.2007. On such refusal the petitioner filed a petition for reviewing the said order in R P (SR) No 22 of 2007 and IA No 8 of 2007 for amending the said review petition.

3. The petitioners filed an I A in I A No 20 of 2009 seeking to withdraw the petition in filed by them in the main O P under clause 55 of the APERC Business Regulations, 1999. It is stated therein that the respondent had filed writ petition in W P No 2855 of 2006 and obtained orders directing the petitioners not to deduct any amounts unilaterally from the monthly bills. However, the proceedings before the Commission permitted to be continued and the respondent was at liberty to raise all objections before the Commission. Later the said writ petition was dismissed as withdrawn by the respondent on 02.12.2008. Since the petitioners have already recovered the amount, no relief is required by the petitioners. Hence petition may be dismissed as withdrawn.

4. On the date of hearing the counsel for the petitioners while reiterating the submissions in the I A has prayed that the petitioners may be permitted to withdraw the case and dismiss the same as withdrawn. Heard the counsel for the respondents.

5. In view of the petition filed by the petitioner and the concurrence of the respondent's counsel, the interlocutory application is allowed and the original petition is dismissed as withdrawn.

6. As a sequel to dismissal of the Original Petition as withdrawn, the review petition as well as the connected Interlocutory Application filed by the respondent for review is also dismissed.

The order is corrected and signed on this 30th day of March, 2010

Sd/-
(C.R.SEKHAR REDDY)
MEMBER

Sd/-
(R.RADHA KISHEN)
MEMBER

Sd/-
(A. RAGHOTHAM RAO)
CHAIRMAN

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