



**ANDHRA PRADESH ELECTRICITY REGULATORY COMMISSION**  
4<sup>th</sup> Floor, Singareni Bhavan, Red Hills, Hyderabad 500 004

SATURDAY, THE TWENTY NINETH DAY OF DECEMBER  
TWO THOUSAND EIGHTEEN

:Present:  
**Justice G. Bhavani Prasad, Chairman**  
**Dr. P. Raghu, Member**

O.P.No. 46 of 2014

**Between:**

KSK Mahanadi Power Company Limited

... Petitioner

**A N D**

1. Eastern Power Distribution Company of Andhra Pradesh Limited
2. Southern Power Distribution Company of Andhra Pradesh Limited

... Respondents

This Original Petition has come up for hearing finally on 29-12-2018 in the presence of Sri Ashwin Ramanathan, learned counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the respondents. After carefully considering the material available on record and after hearing the arguments of the learned counsel, the Commission passed the following:

**ORDER**

Sri Ashwin Ramanathan, learned counsel for KSK Mahanadi Power Company Limited, the petitioner has submitted that the order of the Hon'ble Appellate Tribunal for Electricity in Appeal No.230 of 2017 dated 31-10-2018 holding that the order of this Commission dated 28-09-2016 has to fail and be set aside was upheld by the Hon'ble Supreme Court in Civil Appeal No.11142 of 2018. While dismissing the Civil Appeal, the Hon'ble Supreme Court has made it clear in the order dated 03-12-2018 that they considered the case of KSK Mahanadi Power Company Limited alone. In

view of the finality to the questions involved by the order of the Hon'ble Supreme Court, the Central Electricity Regulatory Commission becomes the appropriate Commission under the Electricity Act, 2003 to deal with the questions in controversy in O.P.No.46 of 2014. Therefore, in compliance with and in obedience to the orders of the Hon'ble Appellate Tribunal for Electricity, confirmed by the Hon'ble Supreme Court, the entire record in O.P.No.46 of 2014 duly indexed be submitted to the Central Electricity Regulatory Commission for favour of appropriate consideration and action, O.P.No.46 of 2014 on the file of this Commission consequently stands closed.

2. The Original Petition is ordered accordingly. No costs.

This order is corrected and signed on this the **29<sup>th</sup> day of December, 2018.**

**Sd/-**  
**Dr. P. Raghu**  
Member

**Sd/-**  
**Justice G. Bhavani Prasad**  
Chairman