



ANDHRA PRADESH ELECTRICITY REGULATORY COMMISSION
4th Floor, Singareni Bhavan, Red Hills, Hyderabad 500 004

I.A.No. 19 of 2017
in
O.P.No. 19 of 2016

Dated: 26-08-2017

Present
Sri Justice G. Bhavani Prasad, Chairman
Dr. P. Raghu, Member
Sri. P.Rama Mohan, Member

Between:

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

... Applicants / Petitioners

A N D

M/s. Hindjua National Power Corporation Ltd

... Respondent

This Interlocutory Application has come up for hearing finally on 26-08-2017 in the presence of Sri P. Shiva Rao, learned Standing Counsel for the petitioners and Sri P. Ravicharan, learned counsel for the respondent. After carefully considering the material available on record and after hearing the arguments of the learned counsel, the Commission passed the following:

ORDER

Heard Sri P. Shiva Rao, learned Standing Counsel for the petitioners and Sri P. Ravicharan, learned counsel for the respondent. The Interlocutory Application itself did not specify what are the materials or arguments sought to be placed before the Commission relating to the subsequent acts of Hinduja National Power Corporation

Ltd., after the matter was reserved for orders. However, Sri P. Shiva Rao, learned Standing Counsel during his submissions stated that the petitioner is claiming the value of imported coal which it claims to be indispensable for its activity of generating power as the generating unit cannot be activated by using domestic coal only. The learned Standing Counsel stated that this was never the understanding between the parties and the relevant clause in the Power Purchase Agreement needs to be appreciated in that background. Sri P. Ravi Charan, learned counsel for the respondent stated that these aspects were never brought to the notice of the Hon'ble Appellate Tribunal for Electricity and the application without any specific ground raised cannot be entertained. He also denied the absence of any right for the respondent to claim any value of the imported coal and asserted that the respondent is also entitled to the amount already billed by it.

2. In view of the directions of the Hon'ble Appellate Tribunal for Electricity originally fixing the time for disposal of this petition on merits which was extended till the end of October, 2017 on an application filed by this Commission before the Hon'ble Appellate Tribunal for Electricity, any reopening of the matter is likely to create an impression of a veiled attempt for postponement. While the parties should be at liberty to place what all material they wish to place before the Commission for comprehensive adjudication of all the questions of any controversy, instead of technically reopening the matter, the parties can still be given an opportunity to do so, while this Commission can make every endeavour to stick to the time limit fixed by the Hon'ble Appellate Tribunal for Electricity.

3. Therefore, the petitioners can file whatever material they wish to file and also file their written submissions on whatever aspects they wish to further bring to the notice of the Commission on or before 09-09-2017 (Saturday). The respondent shall be served with whatever material and written submissions are filed before the Commission by the petitioners and proof of service of such material also shall be filed before the Commission on or before 09-09-2017. The respondent can submit its reply submissions in writing and whatever further material they wish to place before the Commission in response on or before 23-09-2017 (Saturday), which shall be served on the petitioners proof of which shall be furnished to the Commission on or before that date. This liberty given to the parties shall not be construed as reopening of the matter, while all such

further material and submissions that may be placed before the Commission by either or both the parties, will also be taken into consideration in determination of the questions in controversy between the parties on merits. In the event of either or both parties not availing this opportunity, it will be deemed that they have no further material to submit and no further submissions to make.

4. I.A.No.19 of 2017 is disposed off with the above directions. No costs.

This order is corrected and signed on this the 26th day of August, 2017.

Sd/-
P. Rama Mohan
Member

Sd/-
Dr. P. Raghu
Member

Sd/-
Justice G. Bhavani Prasad
Chairman