



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

I.A.No.25 of 2017 in O.P. No. 21 of 2015  
&  
I.A.No.26 of 2017 in O.P. No. 19 of 2016

Dated: 31-10-2017

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

**Between:**

1. Eastern Power Distribution Company of Andhra Pradesh Ltd
2. Southern Power Distribution Company of Andhra Pradesh Ltd  
... Applicants / Petitioners / Respondents in O.P.No.21 of 2015

And

M/s. Hinduja National Power Corporation Ltd (HPNCL)  
... Respondent / Respondent / Petitioner in O.P.No. 21 of 2015

**Between:**

1. Eastern Power Distribution Company of Andhra Pradesh Ltd
2. Southern Power Distribution Company of Andhra Pradesh Ltd  
... Applicants / Petitioners / Petitioners in O.P.No. 19 of 2016

And

M/s. Hinduja National Power Corporation Ltd (HPNCL)  
... Respondent / Respondent / Respondent in O.P.No.19 of 2016

These Interlocutory Applications have come up for hearing finally on 31-10-2017 in the presence of Sri P. Shiva Rao, learned Standing Counsel for the applicants / petitioners; Sri P. Ravi Charan and Sri L. Venkateswara Rao, learned counsel for M/s. Hinduja National Power Corporation Limited (HNPCL); and Sri M. Venugopala Rao, Senior Journalist and Convener, Centre for Power Studies,

Hyderabad and Ms. T. Sujatha, Deputy Director representing the Federation of Telangana and Andhra Pradesh Chambers of Commerce and Industry (FTAPCCI), learned objectors. After carefully considering the material available on record and after hearing the arguments, the Commission passed the following:

### COMMON ORDER

A letter has been received through e-mail from the Standing Counsel of the Commission dated 30-10-2017 stating that M/s. Hinduja National Power Corporation Limited submitted a letter to the Principal Secretary, Department of Energy, Government of Andhra Pradesh on 09-10-2017 stating that M/s. Hinduja National Power Corporation Limited will make necessary submissions before Hon'ble Appellate Tribunal for Electricity to seek time extension. The references in the letter dated 09-10-2017 about supporting an application by the Andhra Pradesh Electricity Regulatory Commission for seeking suitable time extension beyond stipulated time and supporting the cause of Andhra Pradesh Electricity Regulatory Commission are quite uncalled for. It is not known on what basis these inferences or statements are made. The Commission never made or intended to make any application for extension of time beyond stipulated time nor has it any cause to pursue in the matter between the generating company and the government company. To put the record straight, the same is hence clarified as such.

2. In a Memorandum filed by M/s. Hinduja National Power Corporation Limited on 30-10-2017 of course, the indulgence of Hon'ble Appellate Tribunal for Electricity was sought for, for extending time given in the earlier order and the Memorandum was stated to be the result of consultation with the respondent-distribution companies

also and the learned Standing Counsel has informed that with the consent of the appellant and the respondents 2 and 3 before it, the Tribunal extended the time granted on 18-08-2017 till 16-12-2017. In the meanwhile, this Commission had already given notices to both parties and all the objectors/stakeholders who participated in the proceedings through their written and/or oral submissions in response to the public notice issued by the Commission that orders in O.P.Nos.21 of 2015 and 19 of 2016 will be pronounced on 31-10-2017 (Tuesday) at 3:00 PM in the Court hall of the Commission.

3. Today, the respondents have come up with two Interlocutory Applications, I.A.No.25 of 2017 in O.P.No.21 of 2015 and I.A.No.26 of 2017 in O.P.No.19 of 2016. The distribution companies have stated that the Government of Andhra Pradesh which is in the process of reviewing the Power Purchase Agreement with Hinduja National Power Corporation Limited is yet to take a decision on it and further time is required to enable them to submit the outcome of the decision of the Government of Andhra Pradesh in that regard and to submit additional material evidence to arrive at a just conclusion in the Original Petitions. The respondents have submitted that if the orders were to be pronounced and the schedule for disposal of the Original Petitions is not deferred, the parties would be deprived of an opportunity to make important submissions before the Commission. Hence, they requested for deferment of the orders.

4. Sri P. Ravi Charan, learned counsel for the Hinduja National Power Corporation Limited had received notice and stated that he has no objection but made it clear

that any additional documentary evidence or material which is desired to be placed before the Commission should be confined to the process of review undertaken by the State Government and the decision taken thereof but not beyond. Sri P. Shiva Rao, learned Standing Counsel for the respondents objected to any such limitations being imposed. Sri M. Venugopala Rao, learned objector, who is present, desired that any further information or documentary evidence which is to be placed before the Commission should also be given notice to every objector/stakeholder who participated in the proceedings with sufficient opportunity for them to respond to any such material.

5. Though the Commission has fixed the date of pronouncement of its order in both the Original Petitions, the orders of Hon'ble Appellate Tribunal for Electricity dated 30-10-2017 show that the Memorandum filed by Hinduja National Power Corporation Limited before the Hon'ble Appellate Tribunal for Electricity was taken on record in which it was stated that after discussion and deliberation between the parties, the matter is under active consideration before the State Government, due to which Hinduja National Power Corporation Limited sought the indulgence of Hon'ble Appellate Tribunal for Electricity for extending the time given in the order dated 16-08-2017 till 16-12-2017. The Hon'ble Appellate Tribunal for Electricity not only heard the learned counsel for both parties and had taken the Memorandum on record but also extended the time in view of the statements made in the Memorandum. Thus, if the Hon'ble Appellate Tribunal for Electricity has taken cognizance of the statements made in the Memorandum for extending the time, the request of the parties before this Commission today not to pronounce the order in the main Original Petitions may

deserve consideration for the same reasons and as a matter of judicial propriety and discipline.

6. Therefore, the pronouncement of orders in O.P.No.21 of 2015 and O.P.No.19 of 2016 scheduled for today is deferred. Both the Original Petitions shall stand posted to 16-12-2017 (Saturday) for pronouncement of the orders. Information of the fixation of such date for pronouncement of orders shall be communicated to all the objectors/stakeholders, who participated in the proceedings except both parties and Sri M. Venugopala Rao, learned objector who are present before the Commission during the present hearing. Both parties are at liberty to produce before the Commission any material or information which they further wish to place before the Commission for consideration on merits with notice to the opposite party and all the objectors/stakeholders, who participated in the proceedings before 25-11-2017. If either party or any of the objectors/stakeholders desire to place before the Commission any submissions or material or information in respect of such additional information and material, the same can be placed before the Commission before 02-12-2017 (Friday). Any further oral bearing of the matter may not be there except if the Commission feels it necessary to have such oral hearing on the additional submissions / material / information and the same will be intimated to the objectors/stakeholders atleast 2 days in advance.

This order is corrected and signed on this the 31<sup>st</sup> day of October, 2017.

**Sd/-**  
**P. Rama Mohan**  
Member

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

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