

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

M.A. No. 31/2010
in
Petition No.128/2010

Coram

- 1. Dr. Pramod Deo, Chairperson**
- 2. Shri. S. Jayaraman, Member**
- 3. Shri. V.S.Verma, Member**
- 4. Shri M. Deena Dayalan, Member**

DATE OF ORDER: 11.11.2010

In the matter of

Application for extension of time in complying with the order dated 2.8.2010 passed by the Commission under Regulation 115 and 116 of the Central Electricity Regulatory Commission (Conduct of Business) Regulations.

In the matter of

Petition for approval of unit configuration change and consequential amendments to the Power Purchase Agreements (PPAs).

And in the matter of

Coastal Andhra Power Ltd (CAPL), Navi Mumbai
Vs

..... Petitioner

1. Andhra Pradesh Central Power Distribution Company Ltd, Hyderabad
2. Andhra Pradesh Southern Power Distribution Company Ltd, Tirupathi
3. Andhra Pradesh Eastern Power Distribution Company Ltd, Visakhapatnam
4. Andhra Pradesh Northern Power Distribution Company Ltd, Warangal
5. Bangalore Electric Supply Company Ltd, (BESCOM), Bangalore
6. Gulbarga Electric Supply Company Ltd, (GESCOM), Gulbarga
7. Hubli Electric Supply Company Ltd, (HESCOM), Gulbarga
8. Mangalore Electric Supply Company Ltd,(MESCOM), Mangalore
9. Chamundeshwari Electric Supply Company Ltd, (CESCO), Mysore
10. Maharashtra State Electricity Distribution Company Ltd, Mumbai
11. Tamil Nadu Electricity Board, Chennai

...Respondents



ORDER

The petitioner M/s Coastal Andhra Power Limited (CAPL) had filed the above petition for approval of the unit configuration change in respect of the Krishnapatnam Ultra Mega Power Project (5 x 800 MW) (hereinafter referred to as the “project”) to 6 units of 660 MW each (6 x 660 MW). The Commission vide its order dated 2.8.2010 disposed of the petition with the following observations:

“39. Accordingly, we accord our approval to the proposed change in the unit configuration of the project and direct the petitioner to enter into written agreement with the procurers in line with our directions and observations contained in this order as per the provisions of Article 18.1 of the PPA and submit the signed copy of the supplementary PPA along with the modified Format-3 of Annexure-6 of RFP, within one (1) month from the date of this order.

40. Further for the sake of transparency the petitioner shall post the details of the change in the unit configuration of the project along with supplementary PPA and the modified Format-3 of Annexure-6 of RFP on its website for at least thirty days.”

2. In terms of the above order, the petitioner has been directed to submit the signed copy of the supplementary PPA along with the modified Format-3 of Annexure-6 of RFP, within one month from the date of the order and also to post the details of the change in the unit configuration of the project along with supplementary PPA and the modified Format-3 of Annexure-6 of RFP on its website for at least thirty days.

3. Since certain concerns were raised by the respondents in the matter and as the same were being discussed between the parties for a solution, the petitioner by its letter dated 1.9.2010 addressed to the Commission prayed for extension of time upto 15.9.2010 to comply with the directions contained in the said order, which was granted.



4. Meanwhile, respondents 1 to 4 (the lead procurers) filed application (Review Petition No.246/2010) before the Commission for review of order dated 2.8.2010 in Petition No.128/2010 on several issues, which was heard on 19.10.2010. During the hearing, the petitioner prayed that the parties may be allowed to negotiate the matter and adjourn the hearing of the review application. The respondents pointed out that the petitioner has prayed for extension of time for compliance of the directions of the Commission in order dated 2.8.2010. Considering the submissions made by the parties, the Commission directed the parties to explore the possibilities of settlement of all outstanding issues and report the same by 30.11.2010.

5. While so, this interlocutory application has been filed by the petitioner seeking extension of time upto 30.11.2010 for compliance with the directions contained in the Commission's order dated 2.8.2010 on the ground that the concerns raised by the respondents were to be resolved conclusively.

6. We find that this interlocutory application has been filed in respect of an original petition which was disposed of on 2.8.2010. No interlocutory application is maintainable against a petition which had already been disposed of. However, keeping in view the prayer made, we decide to treat the said application as a miscellaneous application and consider the prayer made by the petitioner.

7. As stated at para 4 above, the Commission has already granted time to the parties to explore the possibilities of a settlement of all outstanding issues and report the same by 30.11.2010. In view of this, the prayer of the petitioner is



accepted and the time for compliance with the directions contained in the Commission's order is extended upto 30.11.2010.

8. Miscellaneous Application No.31/2010 stands disposed of in terms of the above.

Sd/-
(M.DEENA DAYALAN)
MEMBER

Sd/-
(V.S.VERMA)
MEMBER

Sd/-
(S. JAYARAMAN)
MEMBER

Sd/-
(DR.PRAMOD DEO)
CHAIRPERSON

