

**central ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 463/MP/2014**

Subject : Petition under Section 79 (1) (f) of the Electricity Act, 2003 for a direction to the respondents to pay additional fixed charges of ` 0.439/kWh for the balance period of PPA-Adjudication of disputes relating to forgone capacity charges.

Date of hearing : 26.11.2015

Coram : Shri A.K. Singhal, Member  
Shri A.S. Bakshi, Member  
Dr. M.K. Iyer, Member

Petitioner : GMR Vemagiri Power Generation Ltd, Bangalore

Respondents : APEPDCL and three others

Parties present : Shri Gopal Jain, Senior Advocate, GVPGL  
Shri Alok Shankar, Advocate, GVPGL  
Shri Manish Ranjan, GVPGL  
Shri Rajender Arya, GVPGL

**Record of Proceedings**

Learned senior counsel for the petitioner submitted as under:

- (a) The petitioner has filed the present petition under Section 79 (1) (f) of the Electricity Act, 2003 for adjudication of disputes relating to forgone capacity charges and for direction to the respondents to pay additional fixed charges.
- (b) The Commission vide order dated 27.4.2015 admitted the petition and issued notices to the respondents.
- (c) Aggrieved by the said order dated 27.4.2015, Andhra Pradesh Discoms and Telangana Dsicoms filed W.P.Nos. 15484 of 2015 and 19894 of 2013 respectively before the Hon`ble High Court of Judicature at Hyderabad for the State of Telangana and the State of Andhra Pradesh challenging the jurisdiction of the Commission to the dispute involving the petitioner company.
- (d) The Hon`ble High Court vide its order dated 10.7.2015 granted interim stay of impugned proceedings till the next date of hearing. Further, the Hon`ble

High Court vide its order dated 2.9.2015 extended the interim stay for further period of one week and transferred both the Writ Petitions to the Division Bench of the Hon`ble High Court.

(e) The period of operation of the interim order has expired on 9.9.2015 and no steps have been taken by the parties to get the stay extended.

(f) Learned senior counsel requested the Commission to direct the respondents to file their replies and to list the petition for hearing on merit.

2. None was present on behalf of the respondents despite notice.

3. After hearing the learned senior counsel for the petitioner, the Commission observed that the respondents have neither responded to the notice of the Commission nor made appearance before the Commission to appraise the present position of the writ petitions pending before the Hon`ble High Court. Taking note of the submission of the learned senior counsel for the petitioner that the stay on the proceedings in the instant petition has expired on 9.9.2015, the Commission directed the respondents to file their replies, on affidavit, by 31.12.2015 without prejudice to their rights and prayers before the Hon`ble High Court and serve an advance copy of the reply to the petitioner who may rejoiner, if any, by 22.1.2016. The Commission directed that due date of filing the replies and rejoinders should be strictly complied with.

4. The petition shall be listed for hearing on 18.2.2016.

**By order of the Commission  
Sd/-**

**(T. Rout)  
Chief (Law)**