

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

**Petition No. 463/MP/2014
along with IA Nos. 39/2019 and 40/2019**

Subject : Petition under Section 79(1)(f) of the Electricity Act, 2003 for a direction to the Respondents to pay additional Fixed Charge of Rs. 0.439/kWh for the balance period of the Power Purchase Agreement.

Petitioner : GMR Vemagiri Power Generation Limited (GVPGL)

Respondents : Southern Power Distribution Company of Andhra Pradesh Limited and Ors.

Date of Hearing : 30.6.2020

Coram : Shri P. K. Pujari, Chairperson
Shri I. S. Jha, Member
Shri Arun Goyal, Member

Parties present : Shri Sajan Poovayya, Senior Advocate, GVPGL
Shri Pratibhanu Singh Kharola, Advocate, GVPGL
Ms. Divya Chaturvedi, Advocate, GVPGL
Shri Saransh Shaw, Advocate, GVPGL
Ms. Swapna Seshadri, Advocate, Telangana Discoms
Shri Damodara Solanki, Advocate, Telangana Discoms
Shri Rakesh Sharma, Advocate, AP Discoms

Record of Proceedings

The matter was heard through video conferencing.

2. At the outset, learned counsel for the Respondents, AP Discoms, sought an adjournment on the ground that the Respondents have filed Review Petition before the Hon'ble Supreme Court in the order dated 4.2.2020 in CA No. 3788-3790 of 2019 and batch matters and also a Misc. Application in the said CAs on the aspect of Section 64(5) of the Electricity Act, 2003, which are likely to be listed for hearing in the month of July, 2020. Accordingly, learned counsel requested to adjourn the matter.

3. Learned counsel for the Petitioner objected to the adjournment and submitted that the Petitioner has filed IA Nos. 39/2019 and 40/2019 in the instant Petition. Learned counsel submitted that since the issues involved in the present proceedings have been pending for several years, IA No. 39/2019 has been filed seeking amendment to the



Petition to bring on record the events that have transpired pursuant to the filing of the Petition and IA No. 40/2019 has been filed for bringing on record additional documents which have been annexed along with the accompanying amended Petition. Learned counsel requested that in order to expedite the proceedings, the Commission may formally allow both the IAs giving liberty to the Respondents to raise all their objections on merits of the case.

4. Learned counsel for the Respondents, Telangana Discoms, raised objection on the IAs filed by the Petitioner seeking amendment to the Petition and submitted that through the said amendment, the Petitioner is seeking to set-up all together a different case and praying for additional reliefs, which otherwise would have been barred by the limitation. Accordingly, the Commission may issue notice on the IAs and permit the Respondents to file their reply on the IAs.

5. Learned counsel for the Respondents, AP Discoms, sought liberty to bring on record their pleadings filed before Andhra Pradesh Electricity Regulatory Commission (APERC) in Petition being OP No. 72 of 2012 filed by the Petitioner. Learned counsel pointed out that the said Petition has also been maintained by the Petitioner before APERC as well.

6. In response, learned counsel for the Petitioner submitted that the said Petition was filed before APERC way back in 2012. However, pursuant to the bifurcation of the erstwhile State of Andhra Pradesh, as the Petitioner was supplying power to more than one State i.e. the States of Telangana and Andhra Pradesh, the Petitioner filed the instant Petition before this Commission. This Commission has already upheld the jurisdiction in respect of the Petitioner's generating station and issue of jurisdiction stands settled in terms of Hon'ble Supreme Court's order dated 4.2.2020. Learned counsel submitted that the present Petition is required to be disposed of as per the timeline prescribed by Hon'ble Supreme Court in its order dated 4.2.2020. As regards the present status of the Petition filed before APERC, the learned counsel sought liberty to take necessary instruction in this regard.

7. After hearing the learned counsels for the parties, the Commission directed to issue notice to the Respondents in the IAs filed by the Petitioner. The Commission directed the Respondents to file reply to the IAs by 15.7.2020 with advance copy to the Petitioner who may file its rejoinder, if any, by 30.7.2020.

8. The Commission permitted the Respondents, AP Discoms and Telangana Discoms, to place on record their respective pleadings, if any, filed before APERC, by 15.7.2020.

9. The Commission further directed the Petitioner to clarify the present status of the Petition filed by it before APERC on affidavit by 15.7.2020. The Commission directed that due date of filing of reply, rejoinder and additional affidavits, if any, shall be strictly complied with.



10. The Petition along with IAs shall be listed for hearing in due course for which separate notice shall be issued.

By order of the Commission

**Sd/-
(T.D. Pant)
Deputy Chief (Law)**

