

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 183/MP/2015**

- Subject : Petition under Section 79 (1) (f) of the Electricity Act, 2003 for the adjudication of disputes over an increase in tariff sought by the petitioner for its power plant selling power to Andhra Pradesh and Telangana licensees, to compensate for the increase in Clean Energy Cess on coal, being a 'Change in Law' under the contracts between the petitioner and the respondents.
- Date of hearing : 7.1.2016
- Coram : Shri Gireesh B. Pradhan, Chairperson  
Shri A.K. Singhal, Member  
Shri A.S. Bakshi, Member  
Dr. M.K. Iyer, Member
- Petitioner : Meenakshi Energy Private Limited
- Respondents : Telangana State Power Coordination Committee and others
- Parties present : Shri Sitish Mukherjee, Advocate, MEPL  
Ms. Akansha Tyagi, Advocate, MEPL  
Shri Himanshi Mishra, MEPL  
Shri S. Vallinayagam, AP Discom  
Shri Aashish Bernard, Advocate, PTC India Ltd.

**Record of Proceedings**

Learned counsel for the petitioner referred to the judgment of Hon`ble High Court in PTC India Limited Vs. Jaiprakash Power Ventures Ltd and the Commission`s orders in GMR-Kamalghna Energy Limited Vs. Dakshin Haryana Bijili Vitran Nigam Limited and others, GMR Vemagiri Power Generation Ltd. Vs APEPDCL and Adani Power Ltd. Vs. Uttar Haryana Bijili Vidyut Nigam Ltd. and submitted that the present petition is maintainable before the Commission under Section 79(1) (b) read with Section 79 (1)(f) of the Electricity Act, 2003 since the petitioner is supplying power to more than one State under composite scheme which has emerged on account of the operation of Andhra Pradesh Reorganization Act, 2014, which allocated the distribution companies of the erstwhile State of Andhra Pradesh between Telangana and Andhra Pradesh. He further submitted that presently, the petitioner is required to supply 53.89% of the power supplied by it under the purchase order dated 29.4.2014, issued by the erstwhile Andhra Pradesh Central Power Distribution Company Limited, to the distribution companies of Telangana and the remaining 46.11% to the distribution companies of

Andhra Pradesh. Therefore, the jurisdiction to adjudicate the dispute does not vest in the Andhra Pradesh and Telangana Electricity Regulatory Commissions under Section 86(1) (f) of the Act. Learned counsel submitted that privity of contract between the respondents on the one hand the petitioner on the other is evident from the terms of the Purchase order wherein the respondents specify the petitioner's generating station as the source of electricity to be supplied. Learned counsel submitted that the respondents are the ultimate beneficiaries under the PPA entered into between the petitioner and PTC India Ltd.

2. In response to the Commission's query regarding stay by Hon`ble High Court of Andhra Pradesh on the order deciding the issue of jurisdiction of the Commission in GMR Vemagiri Power Generation Ltd. case, learned counsel for the petitioner submitted that the stay was applicable to the case in which it was granted and the said stay would not affect the other cases. Learned counsel for the petitioner submitted to place on record the case laws in this regard.

3. Learned counsel for the distribution companies of Andhra Pradesh submitted sought time to file the detailed note on the issue of jurisdiction.

4. Learned counsel for PTC submitted that it would file reply within ten days.

5. After hearing the learned counsels for the parties, the Commission directed the petitioner and the respondents to file their written submissions, by 29.1.2016.

6. Subject to the above, the Commission reserved order in the petition on maintainability.

**By order of the Commission**

**Sd/-  
(T. Rout)  
Chief (Law)**