

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

**Petition No. 463/MP/2014
along with I.A. Nos.39 of 2019 and 40 of 2019**

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 Power Purchase Agreement.

Petitioner : GMR Vemagiri Power Generation Limited

Respondents : APEPDCL & Ors.

Date of hearing : **21.5.2021**

Coram : Shri P.K.Pujari, Chairperson
Shri I.S.Jha, Member
Shri Pravas Kumar Singh, Member

Parties present : Shri Sajan Poovayya, Sr. Advocate, GVPGL
Shri Pratibhanu Singh Kharola, Advocate, GVPGL
Ms. Divya Chaturvedi, Advocate, GVPGL
Shri Saransh Shaw, Advocate, GVPGL
Ms. Srishti Rai, Advocate, GVPGL
Shri Ashwani Kumar Maini, GVPGL
Shri Sandeep Rajpurohit, GVPGL
Shri Basava Prabhu S. Patil, Sr. Advocate, Telangana Discom
Shri Anand K. Ganesan, Advocate, Telangana Discoms
Shri Damodara Solanki, Advocate, Telangana Discoms
Shri D.N Sharma, Telangana Discoms
Shri Sidhant Kumar, Advocate, AP Discoms

Record of Proceedings

Case was called out for virtual hearing.

2. At the outset, the learned Senior counsel for the Petitioner submitted that IA No. 39/2019 has been filed seeking amendment of the Petition and IA No. 40/2019 has been filed to bring on record certain additional documents. He also submitted that till date, only the Respondent Telangana discoms has filed its objection in the matter.

3. On a specific observation by the Commission as to whether the Petitioner could explore the option of filing a separate independent petition in respect of the additional reliefs claimed, instead of seeking amendments through IA, the learned Senior Counsel clarified that these IAs have been filed to bring on record all events which had occurred subsequent to the filing of the original petition, which was pending before APERC since 2011 and before this Commission since 2014 (after bifurcation of the State of Andhra Pradesh). The learned Senior Counsel while stating that there is no change in the claims made, submitted that the petition along with IAs may be listed for hearing, based on the pleadings filed in the original petition.



4. The learned Senior counsel for the Respondent, Telangana discoms submitted that the question of amendment does not arise, as the Petitioner has sought to include new claims, which are time barred and is contrary to law. He further submitted that since the Petitioner has sought reliance on the additional documents in support of the prayers made in the original petition, the Commission may reject the IAs, but permit only such documents in respect of claims made in the original petition. The learned counsel for the Respondent, AP discoms adopted the said submissions of the Telangana discoms

5. The Commission after hearing the parties observed that for the present case, the additional documents (in IA 40/2019) relied upon by the Petitioner in support of the claims made in the original petition only are required to be considered. The Commission further observed that in respect of any additional prayers made in the petition, liberty would be granted to the Petitioner to approach the Commission by filing a separate petition, duly supported with relevant documents. This was agreed to by the learned Senior counsel for the Petitioner, the learned Senior counsel for the Respondent Telangana discoms and the learned counsel for AP discoms. The learned Senior counsel for the Petitioner, however, requested that the petition may be listed for final hearing at the earliest.

6. Accordingly, I.A No. 39/2019 stands disposed of with a liberty to the Petitioner to file separate petition for seeking additional reliefs and the same will be considered in accordance with law. I.A. No. 40/2019 is allowed in part to the extent that only such additional documents as relied upon by the Petitioner in support of the claims made in the original petition shall be considered and dealt with in the present case. For this purpose, the Petitioner shall file an affidavited statement identifying such additional documents relied upon in support of the original claims, within 15 days, with copy to other parties.

7. Matter shall be listed in due course for which separate notice will be issued to the parties.

By order of the Commission

Sd/-
(B.Sreekumar)
Joint Chief (Law)

