

Record of proceedings dated 12-01-2018

I.A.No.1 of 2018 in O.P.No.19 of 2016

APEPDCL & APSPDCL Vs Hinduja National Power Corporation Ltd (HNPCL)

Petition for grant of approval of PPA to 1040 MW (2 x 520 MW) coal fired power station of HNPCL under section 86 (1) (b) of the Electricity Act, 2003

Interlocutory Application filed by APDISCOMs in O.P.No.19 of 2016 under order 23, Rule 1 (3) of C.P.C r/w Clause 55 of the APERC (Conduct of Business) Regulations, 1999 to permit APDISCOMs / petitioners to withdraw O.P.No.19 of 2016

Sri P. Shiva Rao, learned Standing Counsel for the Andhra Pradesh Distribution Companies and Sri Sridhar Prabhu, Sri P. Ravicharan and Sri L. Venkateswara Rao, learned counsel for M/s. Hinduja National Power Corporation Limited (HNPCL) are present.

Hon'ble Appellate Tribunal for Electricity passed orders in I.A.No.34 of 2018 in I.A.No.38 of 2018 in Appeal No.153 of 2017 on 10-01-2018 that considering the peculiar circumstances of the case, they do not want to express any opinion on the pending Interlocutory Applications before the State Commission, while however, the time to dispose of O.P.Nos.19 of 2016 and 21 of 2015 is extended till 31-01-2018.

In view of the orders of the Hon'ble Appellate Tribunal for Electricity extending the time for disposal of the main Original Petitions, obviously considering the peculiar circumstances of the case arising out of the two Interlocutory Applications filed before this Commission, appropriate orders have to be passed on both the Interlocutory Applications on merits in accordance with law and keeping in view the result of the two Interlocutory Applications, pass appropriate further orders in the main Original Petitions. Accordingly, further arguments are heard from the learned counsel for both parties on both the Interlocutory Applications and on the effect of the orders on the said Interlocutory Applications on the main Original Petitions.

In the meanwhile, Sri P. Shiva Rao, learned Standing Counsel for the Andhra Pradesh Distribution Companies filed a Memo stating that the petitioners are not pressing for part of the prayer in I.A.No.1 of 2018, which requested for grant of liberty to submit the Power Purchase Agreement, if necessary and are confining themselves to the prayer for the relief of withdrawal of O.P.No.19 of 2016 in I.A.No.1 of 2018. Sri Sridhar Prabhu, learned counsel for M/s. Hinduja National Power Corporation Limited vehemently opposed the receipt and consideration of the Memo and sought for an opportunity to counter the same through oral and written objections and arguments. M/s. Hinduja National Power Corporation Limited is at liberty to place all their objections to the above Memo before the Commission for its consideration, which they wanted to place both orally and in writing through comprehensive written objections and submissions on or before 17-01-2018 with notice to the other side. If the Andhra Pradesh Distribution Companies desire to place their response to such objections before the Commission, they are free to do so on or before 20-01-2018.

I.A.Nos.1 and 2 of 2018 are posted for orders to 24-01-2018 (Wednesday). If one or both the Interlocutory Applications were to succeed, the consequential orders in O.P.No.19 of 2016 and / or O.P.No.21 of 2015 will also be made and pronounced on merits in accordance with law on the same day. In the event of failure of one or both the Interlocutory Applications, the orders in O.P.No.19 of 2016 and / or O.P.No.21 of 2015 will be pronounced on 31-01-2018 (Wednesday).

Call on:

24-01-2018
at 3:00 PM

Sd/-
MEMBER / PRM

Sd/-
MEMBER / PR

Sd/-
CHAIRMAN

I.A. No. 2 of 2018 in O.P. No. 21 of 2015

Hinduja National Power Corporation Ltd (HNPCL) Vs. APEPDCL & APSPDCL

Petition for determination of capital cost of the coal fired power station of 1040 MW (2 x 520 MW) capacity in the District of Visakhapatnam under Clause 10.8 of Regulation No. 1 of 2008 (Terms and conditions for determination of tariff for supply of electricity by a generating company to distribution licensee and purchase of electricity by distribution licensee) Regulations, 2008 r/w 61, 62 & 64 of the Electricity Act 2003

Interlocutory Application filed by APDISCOMs in O.P. No. 21 of 2015 under Clause 55 of the APERC (Conduct of Business) Regulations, to re-open the case and return the petition in O.P.No.21 of 2015

Sri P. Shiva Rao, learned Standing Counsel for the Andhra Pradesh Distribution Companies and Sri Sridhar Prabhu, Sri P. Ravicharan and Sri L. Venkateswara Rao, learned counsel for M/s. Hinduja National Power Corporation Limited (HNPCL) are present.

Hon'ble Appellate Tribunal for Electricity passed orders in I.A.No.34 of 2018 in I.A.No.38 of 2018 in Appeal No.153 of 2017 on 10-01-2018 that considering the peculiar circumstances of the case, they do not want to express any opinion on the pending Interlocutory Applications before the State Commission, while however, the time to dispose of O.P.Nos.19 of 2016 and 21 of 2015 is extended till 31-01-2018.

In view of the orders of the Hon'ble Appellate Tribunal for Electricity extending the time for disposal of the main Original Petitions, obviously considering the peculiar circumstances of the case arising out of the two Interlocutory Applications filed before this Commission, appropriate orders have to be passed on both the Interlocutory Applications on merits in accordance with law and keeping in view the result of the two Interlocutory Applications, pass appropriate further orders in the main Original Petitions. Accordingly, further arguments are heard from the learned counsel for both parties on both the Interlocutory Applications and on the effect of the orders on the said Interlocutory Applications on the main Original Petitions.

In the meanwhile, Sri P. Shiva Rao, learned Standing Counsel for the Andhra Pradesh Distribution Companies filed a Memo stating that the petitioners are not pressing for part of the prayer in I.A.No.1 of 2018, which requested for grant of liberty to submit the Power Purchase Agreement, if necessary and are confining themselves to the prayer for the relief of withdrawal of O.P.No.19 of 2016 in I.A.No.1 of 2018. Sri Sridhar Prabhu, learned counsel for M/s. Hinduja National Power Corporation Limited vehemently opposed the receipt and consideration of the Memo and sought for an opportunity to counter the same through oral and written objections and arguments. M/s. Hinduja National Power Corporation Limited is at liberty to place all their objections to the above Memo before the Commission for its consideration, which they wanted to place both orally and in writing through comprehensive written objections and submissions on or before 17-01-2018 with notice to the other side. If the Andhra Pradesh Distribution Companies desire to place their response to such objections before the Commission, they are free to do so on or before 20-01-2018.

I.A.Nos.1 and 2 of 2018 are posted for orders to 24-01-2018 (Wednesday). If one or both the Interlocutory Applications were to succeed, the consequential orders in O.P.No.19 of 2016 and / or O.P.No.21 of 2015 will also be made and pronounced on merits in accordance with law on the same day. In the event of failure of one or both the Interlocutory Applications, the orders in O.P.No.19 of 2016 and / or O.P.No.21 of 2015 will be pronounced on 31-01-2018 (Wednesday).

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