

Record of proceedings dated 23-01-2018

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

The Interlocutory Application, I.A.No.3 of 2018 be taken on file and posted to 24-01-2018 (Wednesday) at 3:00 PM along with I.A.Nos.1 and 2 of 2018 and O.P.Nos.21 of 2015 and 19 of 2016. As the Hinduja National Power Corporation Limited filed an Interlocutory Application for being transposed as petitioner in O.P.No.19 of 2016 and for the respondents being transposed as respondents in the main O.P.No.19 of 2016 under Order 1 Rule 10 (2) read with Section 151 of the Code of Civil Procedure, 1908 and Clause 55 of the The Andhra Pradesh Electricity Regulatory Commission (Conduct of Business) Regulations, 1999, any determination of I.A.Nos.1 and 2 of 2018 cannot be separated from I.A.No.3 of 2018 and all the three Interlocutory Applications have to be disposed of on merits together, after a reasonable opportunity to the parties to file their pleadings and advance their arguments. In fact, when a Memo was filed by the learned Standing Counsel for the Andhra Pradesh Distribution Companies on 12-01-2018 for not pressing a part of the prayer in I.A.No.1 of 2018, M/s. Hinduja National Power Corporation Limited was clearly stated to be at liberty to place all their objections to the Memo before this Commission for its consideration, which they wanted to mention orally or in writing through comprehensive written submissions and objections before 17-01-2018 for which, the distribution companies were given an opportunity to respond before

20-01-2018. These time limits had to be fixed in view of the directions of the Hon'ble Appellate Tribunal for Electricity in force extending the time for disposal of O.P.No.21 of 2015 and O.P.No.19 of 2016 till 31-01-2018. However, in the additional objections filed by M/s. Hinduja National Power Corporation Limited dated 17-01-2018, it was stated that the opportunity of hearing ought to be provided to the petitioner on the Memo and the lack of the said opportunity is nothing but violation of principles of natural justice. To answer any such misapprehensions, M/s. Hinduja National Power Corporation Limited can also be given an opportunity to make as many oral submissions it desires to make, as it clearly sought for an opportunity of hearing without prejudice to the facts stated in the additional objections and it also reserved its right to espouse the issue independent of filing the detailed submissions as per the Record of Proceedings dated 12-01-2018.

Therefore, on 24-01-2018 (Wednesday) at 3:00 PM all the three Interlocutory Applications and two main Original Petitions will be heard. The distribution companies can file their counter in I.A.No.3 of 2018 and whatever oral arguments both parties wish to advance, can be advanced. The office shall inform the learned counsel for both parties today itself by phone and report compliance.

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

The Interlocutory Application, I.A.No.3 of 2018 be taken on file and posted to 24-01-2018 (Wednesday) at 3:00 PM along with I.A.Nos.1 and 2 of 2018 and O.P.Nos.21 of 2015 and 19 of 2016. As the Hinduja National Power Corporation Limited filed an Interlocutory Application for being transposed as petitioner in O.P.No.19 of 2016 and for the respondents being transposed as respondents in the main O.P.No.19 of 2016 under Order 1 Rule 10 (2) read with Section 151 of the Code of Civil Procedure, 1908 and Clause 55 of the The Andhra Pradesh Electricity Regulatory Commission (Conduct of Business) Regulations, 1999, any determination of I.A.Nos.1 and 2 of 2018 cannot be separated from I.A.No.3 of 2018 and all the three Interlocutory Applications have to be disposed of on merits together, after a reasonable opportunity to the parties to file their pleadings and advance their arguments. In fact, when a Memo was filed by the learned Standing Counsel for the Andhra Pradesh Distribution Companies on 12-01-2018 for not pressing a part of the prayer in I.A.No.1 of 2018, M/s. Hinduja National Power Corporation Limited was clearly stated to be at liberty to place all their objections to the Memo before this Commission for its consideration, which they wanted to mention orally or in writing through comprehensive written submissions and objections before 17-01-2018 for which, the distribution companies were given an opportunity to respond before

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