



ANDHRA PRADESH ELECTRICITY REGULATORY COMMISSION
4th Floor, Singareni Bhavan, Red Hills, Hyderabad 500 004

TUESDAY, THE SEVENTEENTH DAY OF MARCH
TWO THOUSAND AND TWENTY

:Present:

Sri Justice C.V. Nagarjuna Reddy, Chairman
Sri P. Rajagopal Reddy, Member
Sri Thakur Rama Singh, Member

I.A.No. 4 of 2020 in O.P.No.18 of 2020

Between:

M/s. Khandaleru Power Company Ltd.

... **Applicant**

A N D

APSPDCL & 3 others

... **Respondents**

The Interlocutory Application has come up for hearing on 17-03-2020 in the presence of Sri Challa Gunaranjan, learned counsel for the applicant and Sri P. Shiva Rao, learned Standing Counsel for the respondents. After carefully considering the material available on record and after hearing the arguments of the learned counsel, the Commission passed the following:

ORDER

We have heard Sri Challa Gunaranjan, learned counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the respondents. We have also considered the contents of the Interlocutory Application and the counter affidavit filed on behalf of respondents 1 to 4, for the purpose of considering the elements of prima facie, balance of convenience and irreparable injury. The parties have entered into a Power Purchase Agreement under which, the respondents agreed to receive power generated by the petitioner from the Khandaleru reservoir at Rs.3.73 per unit. However, the respondents in their counter affidavit have taken the stand that in the

present circumstances, the said price is not workable and that they have requested the petitioner to reduce the tariff to Rs.2.43 per unit which is the least tariff received in bid process across the country and that therefore, if the petitioner is not willing to supply power at the said price, they are at liberty to go for open access.

Sri Challa Gunaranjan, learned counsel for the petitioner submitted that the water in the reservoir is getting depleted and it may not last for more than a month or so. He, therefore, requested the Commission to direct the respondents to reconnect and receive power supply at the adhoc price of Rs.2.43 per unit as demanded by the respondents pending adoption of tariff in the main O.P. After hearing Sri P. Shiva Rao, learned Standing Counsel, we are of the prima facie opinion that interests of justice would be balanced if the petitioner is permitted to generate power and the respondents to receive the generated power at the price as indicated by the latter pending adjudication of the main O.P., lest the natural sources of generation of power will go waste.

In the above facts and circumstances of the case, the respondents are directed to reconnect the power line to the petitioner's generating unit and receive power generated by it by paying the interim tariff at Rs.2.43 per unit pending adjudication of the O.P., so long as water is available for generation. The Interlocutory Application accordingly stands disposed of.

This order is corrected and signed on this the **17th day of March, 2020**

Sd/-
Thakur Rama Singh
Member

Sd/-
Justice C.V. Nagarjuna Reddy
Chairman

Sd/-
P. Rajagopal Reddy
Member