



ANDHRA PRADESH ELECTRICITY REGULATORY COMMISSION
4th & 5th Floors, Singareni Bhavan, Red Hills, Hyderabad 500 004

I.A. No.2 of 2013
in
O.P. No.9 of 2013

Dated 17.04.2013

Present

Sri A.Raghotham Rao, Chairman
Sri C.R.Sekhar Reddy, Member
Sri R.Ashoka Chari, Member

Between:

M/s. GVK Industries Limited.
Paigah House, 156-159, Sardar Patel Road,
Secunderabad – 500 003.

... Petitioner

AND

Central Power Distribution Company of A.P. Ltd & 4 others

... Respondents

This petition has come up for hearing on 03.04.2013 in the presence of Sri M.G.Ramachandran, Advocate for the petitioner and Sri P.Shiva Rao, Advocate for the respondents, the Commission passed the following:

O R D E R

The petitioner filed the above said petition u/s 86(1)(f) of the Electricity Act, 2003 for adjudication of disputes under PPA dated 18.06.2003.

2. The petitioner also filed I.A.No.2 of 2013 for an interim direction restraining the respondents from making any deduction or adjustment in the capacity charges including disincentives and also direct the respondent nos. 1 to 4 to pay the fixed components such capacity charges, ship or pay charges and imbalance charges under the Gas agreements and also for refund of the capacity charges and disincentives deducted for the Tariff year ended 05.06.2012.

3. In the main petition, the petitioner claimed the reliefs
- (i) to declare that the respondent Nos. 1 to 4 are liable to compensate the petitioner for the Capacity Charges, Gas Transmission charges, Imbalance charges and refund the Capacity Charges including Disincentives as set out in the petition for the period from 22.01.2006 till 30.09.2012 and also for the period beginning from 01.10.2012 till the duration of the PPA dated 18.06.2003;
 - (ii) to award interest on the amount due from the date of petition till the date of order and thereafter till the payment and discharge.
4. The respondents filed their counter alleging that the claim of Rs.8,20,92,21,462/- on all four counts are baseless and they are astronomical figures. This Commission has already dismissed I.A No.5 of 2011 claiming Rs.1114 crs as such this petition also deserves to be dismissed in limini. The claim of the petitioner apparently is barred by law of limitation. The respondents also narrated several grounds in the counter filed by them.
5. The relief now sought in the Interlocutory Application is almost similar to the reliefs sought for in the main petition itself. If any interim order is passed in the interlocutory application it touches the very relief sought for in the main petition itself.
6. When the very claims made in the I.A. are the same claims in the main petition, the same cannot be ordered in an Interlocutory Application, as such the same has to be decided in the main O.P. itself. Hence, this I.A. is re-opened to hear along with the main O.P. itself.
7. Post this petition to hear along with main O.P. itself.

This order is corrected and signed on this 17th day of April, 2013.

Sd/-
(R.Ashoka Chari)
Member

Sd/-
(C.R.Sekhar Reddy)
Member

Sd/-
(A.Raghotham Rao)
Chairman