



## **ANDHRA PRADESH ELECTRICITY REGULATORY COMMISSION**

4<sup>th</sup>Floor, Singareni Bhavan, Red Hills, Hyderabad 500004

WEDNESDAY, THE TWELTH DAY OF APRIL  
TWO THOUSAND AND TWENTY THREE

:Present:

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

**O.P.No.43 of 2019**

**Between:**

M/s. ITC Ltd.  
Registered office at Virginia House,  
37 J.L.Nehru Road, Kolkata - 700 071.

... **Petitioner**

**A N D**

APSPDCL, APEPDCL, APPCC & APSLDC

... **Respondent**

Sri Kaushik Soni, counsel representing Sri P.Vikram, learned counsel for the Petitioner and Sri P.Shiva Rao, learned Standing Counsel for the respondents, are present at the hearing held on 12-04-2023.

### **COMMON ORDER**

This is a 2019 OP filed for multiple reliefs. The petitioners have mainly claimed monetary compensation for the losses sustained on account of denial of intra-state and inter-state open access. At the hearing, counsel representing Sri P.Vikram, learned counsel for the petitioner requested an adjournment for filing counter affidavit. A perusal of the record shows that a

counter affidavit was filed by respondent No. 4 by 14-02-2019. On the said date a request for adjournment for filing rejoinder was made on behalf of the petitioners. Accordingly the case was adjourned to 10-03-2020. On the said date also, further time for filing rejoinder was sought. Time was accordingly granted and the case was adjourned to 17-04-2020. Due to the COVID Pandemic, the case was adjourned to 16-06-2020. On further request by the petitioner time was granted and the OP was adjourned for filing rejoinder by 07-07-2020. Thus, after taking as many as five adjournments, rejoinder was filed by the petitioner.

On 07-07-2020, the OP was posted for hearing to the 16-09-2020 for hearing through an online process. Since then, this case was adjourned on 04-11-2020, 06-01-2021, 07-04-2021, 14-07-2021, 08-09-2021, 03-11-2021, 12-10-2022 and 18-01-2023. Thus, the petition was adjourned on as many as nine occasions on the request made on the behalf of the counsel for the petitioner. As noted, a further request for adjournment is made today also.

The petition raised a vintage dispute pertaining to the year 2014. Though liberty was given to the petitioner to approach this Commission by the CERC as far as back 13-06-2016, the present OP has been filed on 29-05-2019. Since then, the petitioner has not shown any urgency whatsoever for getting the dispute adjudicated. On every occasion, adjournment is sought on behalf of the petitioner in a very casual manner. It is

quite evident from the above facts that there is utter lack of diligence in prosecuting the case on behalf of the petitioner. Therefore, though painful, we have no option except to dismiss this OP for non Prosecution. The OP is accordingly dismissed.

Sd/-  
**Thakur Rama Singh**  
**Member**

Sd/-  
**Justice C.V. Nagarjuna Reddy**  
**Chairman**

Sd/  
**P. Rajagopal Reddy**  
**Member**

