

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

Dated: 04-04-2015

Present:
Justice Sri. G. Bhavani Prasad, Chairman
Dr. P. Raghu, Member
Sri. P. Rama Mohan, Member

I.A. No. 5 of 2014
in
O.P. No.13 of 2014

Between:

M/s. KSK Mahanadi Power Company LtdPetitioner / Petitioner

And

1. Southern Power Distribution Company of A.P. Ltd
 2. Eastern Power Distribution Company of A.P. Ltd
- Respondents / Respondents

Counsel for the petitioner : Sri. Anand K Ganesan Advocate

Counsel for the respondents : Sri. P. Shiva Rao, Advocate

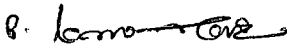
The petition has come up for hearing on 04-04-2015 and the Commission having considered the submissions and material available on record, passed the following:

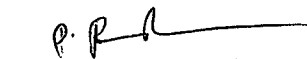
ORDER

Sri P. Shiva Rao, learned Standing Counsel for the respondents filed counter on behalf of respondents 2 and 3 in the main petition, in answer to the amendment petition. Heard Sri Anand K Ganesan, learned counsel for the main petitioner and Sri P. Shiva Rao, learned Standing Counsel who is now restricting his appearance in the main petition to respondents 2 and 3. In the petition for amendment, the petitioner stated that consequent upon the division of the State

of Andhra Pradesh and in view of the two distribution companies in Andhra Pradesh alone being within the jurisdiction of the present Commission, the present petition is sought to be confined to the original respondents 2 and 3, while a separate petition is being filed before the Telangana State Electricity Regulatory Commission with regard to the dispute with the other two distribution companies. The main contention of the respondents 2 and 3 in the main petition appears to be the untenability of the main petition against the present respondents 2 and 3 only, if it is to be restricted to them and the dispute cannot be decided without all the parties to the joint agreement. Sri Anand K Ganesan, learned counsel for the petitioner submitted that a petition before the Telangana State Electricity Regulatory Commission has already been moved for appropriate reliefs against the other distribution companies concerning the cause of action to the extent it relates to them and the petitioner wishes to pursue the main petition against respondents 2 and 3 only, being ready to take the consequences of the absence of the other distribution companies in this petition. It is well settled that the petitioner is the *dominus litus* and no respondent can be thrust upon an unwilling petitioner against whom the petitioner does not desire to seek any relief. In view of the said legal position, the consequences of allowing the proposed amendment will be gone into on merits in the main petition, while the present amendment as requested cannot be legally or factually stalled. Therefore, the amendment petition is allowed.

This order is corrected and signed on this 4th day of April, 2015.


P. RAMA MOHAN
MEMBER


Dr. P. RAGHU
MEMBER (PR)


G. BHAVANI PRASAD
CHAIRMAN