



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

O.P.No.13 of 2010

Date: 02-05-2015

Present

Justice G. Bhavani Prasad, Chairman
Dr. P. Raghunath, Member
Sri. P. Rama Mohan, Member

Between:

A.P. State Load Despatch Centre
through AP Transco rep. by Chief Engineer
Grid Operation, AP Transco

... Petitioner

A N D

GVK Gautami Power Limited
Peddapuram, East Godavari District

... Respondent

This Petition has come up for final hearing on 02-05-2015 in the presence of Sri. P. Shiva Rao, learned Standing Counsel for the petitioner and Sri M. Sodekar, AGM (Law) on behalf of the respondent. After carefully considering the material available on record and after hearing the arguments of both parties, the Commission passed the following:

ORDER

1. Sri P. Shiva Rao, learned Standing Counsel for the petitioner and Sri M. Sodekar, AGM (Law) for the respondent are heard. It is seen from the order of the Commission dated 15-04-2013 that the erstwhile Andhra Pradesh Electricity Regulatory Commission had examined the rival contentions of the parties and had come to the conclusion on merits with reference to Sections 33, 143 and 144 of the Electricity Act, 2003 that it is the duty of the Commission to appoint an Adjudicating Officer, who is one of the Members of the Commission and it is that Adjudicating Officer, who will be

competent to conduct enquiry under the relevant provisions of the Electricity Act, 2003. Consequently, Sri R. Ashoka Chari, the then Member of the Commission was appointed as an Adjudicating Officer and the record shows that the Adjudicating Officer had also proceeded to conduct the enquiry, which had to be left half way through. Due to the subsequent circumstances leading to the constitution of the present Commission, the then Adjudicating Officer could not complete the process of enquiry.

2. Admittedly, the order dated 15-04-2013 remained unchallenged and it had become final. As the process of the enquiry could not be completed due to the Adjudicating Officer ceasing to be a Member of the Commission, a fresh Adjudicating Officer, who is a Member of the Commission as of now has to be appointed as Adjudicating Officer.

3. Therefore, Sri P. Rama Mohan, Hon'ble Member of this Commission is appointed as Adjudicating Officer under Section 143 of the Electricity Act, 2003 to conduct an enquiry into the matter, as contemplated under Sections 33, 143 and 144 of the said Act and in conducting such enquiry, he shall also be guided by the orders of the Commission dated 15-04-2013 and any rules framed by the State Government under Section 143 (1) read with Section 180 (2) (I) of the Electricity Act, 2003. This petition is closed with the above direction.

This order is corrected and signed on this 2nd day of May, 2015.

Sd/-
P. RAMA MOHAN
MEMBER

Sd/-
Dr. P. RAGHU
MEMBER

Sd/-
Justice G. BHAVANI PRASAD
CHAIRMAN