



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

SATURDAY, THE NINETEENTH DAY OF JANUARY
TWO THOUSAND NINETEEN

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

O.P.No.13 of 2014

Between:

KSK Mahanadi Power Company Ltd

... Petitioner

And

Eastern Power Distribution Company of Andhra Pradesh Ltd
(APEPDCL)

Southern Power Distribution Company of Andhra Pradesh Ltd
(APSPDCL)

... Respondents

This Original Petition has come up for hearing before the Commission on 19-01-2019 in the presence of Sri Ashwin Ramanathan, learned counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the utilities. After carefully considering the material available on record and after hearing the arguments of the learned counsel for both parties, the Commission passed the following:

ORDER

Heard Sri Ashwin Ramanathan, learned counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the utilities. The petitioner filed an Interlocutory Application bearing I.A.No.1 of 2019 stating that in view of the decision of the Hon'ble Appellate Tribunal for Electricity in K.S.K. Mahanadi Power Company Limited Vs Andhra Pradesh Electricity Regulatory Commission and others in Appeal No.230 of 2017 dated 31-10-2018 following the earlier decisions of the Hon'ble Supreme Court and the Hon'ble Appellate

Tribunal for Electricity holding on identical facts that such disputes will be within the exclusive jurisdiction of the Central Electricity Regulatory Commission to adjudicate any dispute between the parties to a Power Purchase Agreement, this petition also falls within the exclusive jurisdiction of the Central Electricity Regulatory Commission and therefore, the petition be disposed of accordingly. The identity of the facts and circumstances in both the cases and the applicability of the principle laid down by the Hon'ble Appellate Tribunal for Electricity, which was subsequently confirmed by the Hon'ble Supreme Court by an order dated 03-12-2018 in Appeal No.11142 of 2018 are not in dispute. Hence, transmit the record to the Central Electricity Regulatory Commission having jurisdiction over the dispute, duly indexed, for further action, in accordance with law.

This order is corrected and signed on this the 19th day of January, 2019.


P. RAMA MOHAN
Member


Justice G. BHAVANI PRASAD
Chairman