

BEFORE THE
ANDHRA PRADESH ELECTRICITY REGULATORY COMMISSION
AT HYDERABAD

I. A. No. 28 of 2017

In

O.P. No. 47 of 2017

In the matter of:

Determination of Tariff from 02/05/2015 for the rest of the control period FY 2014-2019 under Section 62 of the Electricity Act, 2003 for the electricity supplied by APPDCL from SDSTPS to the Distribution Licensees in Andhra Pradesh.

And in the matter of:

Andhra Pradesh Power Development Company Limited,
Vidyut Soudha, Vijayawada 520004.

Petitioner

And

1. Southern Power Distribution Company of Andhra Pradesh Ltd.,
Tiruchanoor Road, Kesvayana Gunta, Tirupati-517 501

2. Eastern Power Distribution Company of Andhra Pradesh Ltd.,
P&T Colony, Seethammadhara, Visakhapatnam 530020

Respondents

PETITION U/S 94(2) OF THE ELECTRICITY ACT, 2003

1. The Petitioner herein has filed an application for the determination of tariff from 02/05/2015 for the rest of the control period FY 2014-2019 under Section 62 of the Electricity Act, 2003 for the electricity supplied by APPDCL from SDSTPS to the Distribution Licensees in Andhra Pradesh. The said application was filed before the Hon'ble Commission on 19.09.2017 and numbered as O.P. No. 47 of 2017.




CHAIRMAN
APPDCL
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Central Excise Colony,
Vijayawada-520 008. A.P.

2. The Respondents have been paying Rs 3.63 per kWh on an ad hoc basis. The amounts being paid by the Respondents is very low and is causing serious financial stress and cash flow constraints to the Petitioner jeopardizing its operations and sustainability.
3. As per the Retail Tariff Order passed by the Hon'ble Commission for 2017-18 in respect of the Annual Revenue Requirements and the Distribution and Retail Supply Tariffs of the Distribution Licensees the Hon'ble Commission had considered a cost of Rs 4.04 per kWh in respect of the power supplied from the Petitioner's power station.
4. It is submitted that the amounts considered in the Retail Tariff Orders stated above and prayed for hereinbelow in this application have been allowed as a pass through to the consumers and are being recovered by the Respondents under the Respondents' retail supply tariff. It is therefore only just and equitable that the Petitioner be allowed to claim, and be paid, the said amounts from the Respondents till the disposal of the pending tariff determination petitions., subject to necessary adjustments upon final determination of tariff. It is also necessary that the Petitioner be provided with a legal basis for the claim and recovery of amounts pending disposal of the pending tariff determination petition.
5. It is submitted that the Hon'ble Commission's Retail Tariff orders provides the prima facie basis of the amounts which would be admissible to the Petitioner, without prejudice to the claims and contentions of the Petitioner which would be considered and decided at the time of disposal of the main Petition. If no interim order is made, the Petitioner will not have a legal basis for claiming a just provisional amount of the extent passed through in the Respondents' retail supply tariff. The Petitioner will be subject to untold suffering and irreparable harm and injury due to inadequate revenue inflow insufficient to maintain its operations. The Respondents will not suffer any prejudice whatsoever as the amounts now claimed herein are already being recovered by the Respondents from the consumers through the retail supply tariff. The balance of convenience is clearly in favour of



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the Petitioner for the grant of interim order as prayed for herein. It is therefore only just and equitable that the Hon'ble Commission grant the interim order as prayed for by the Petitioner herein.

6. For the above reasons and for such other grounds and reasons as may be urged at the time of hearing, the Petitioner prays that, pending disposal of O.P. 47 of 2017 pending before the Hon'ble Commission, and subject to adjustment upon final determination of tariff, the Hon'ble Commission may be pleased to direct the Respondent Distribution Licensees to pay to the Petitioner an interim tariff of Rs. 4.04 per kWh for the energy supplied by the Petitioner to the Respondents during FY 2017-2018; and/or pass such other or further orders as the Hon'ble Commission consider fit and expedient in the facts and circumstances of the case.

29-11-2017.


For the Petitioner

CHAIRMAN
APPDCL
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Central Excise Colony,
Vijayawada-520 008, A.P.



Counsel for Petitioner

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Respondents

AFFIDAVIT

I, K.Vijayanand, son of Shri K.Narasimhulu, working for gain at Andhra Pradesh Power Generation Corporation Ltd., do hereby solemnly affirm and state as follows :-

1. I am the Chairman of the Petitioner company and I am competent and duly authorized to affirm, swear, execute and file this affidavit in the present proceedings.
2. The statements made in the paragraphs 1 to 5 of the Application filed herewith are true based upon information and official record and legal advice and those in paragraph 6 are the Petitioner's prayer to the Hon'ble Commission.

Solemnly affirmed and signed before me on
this 29th day of November, 2017

Deponent

CHAIRMAN
APPDCL
Plot No: 29, Road No: 1,
Central Excise Colony,
Vijayawada-520 008. A.P.

Notary



ATTESTED

K. Narsing Rao
ADVOCATE
NOTARY

K. NARSING RAO
M.A;BLISC;B.Ed;LL.B
SO Ms. No: 962/2011
H No: 18-8-278/B/10
New Rakshapuram Colony,
Sanchar Bagh Hyderabad, P.