

Record of Proceedings dated 06-07-2021

OP No. 77 of 2021 and IA No.1 of 2021

M/s. ITC Ltd., Vs. APSLDC & APSPDCL

Petition u/s 86 (1) (f), 86 (1) (h), 86 (1) (e), 86 (1) (k), 32, 33 of the Electricity Act, 2003, Clause 8 of APERC Regulation No. 4 of 2017 and the inherent Regulatory Power and Jurisdiction of the Commission under the Electricity Act and the Regulations thereunder

IA No. 1 of 2021 - Application u/s 94 (2) of the Electricity Act, 2003 for Interim Stay and Direction

Sri K. Gopal Choudary, learned counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the respondents are present at the web hearing.

This application is filed for stay of demand notice issued by respondent No.2 towards deviation charges vide Letter No. SE/O/ATP/SAO/JAO HT/D.No. 728/2021 dated 23.03.2021 and to direct Respondent No.1 to process and allow the Petitioner's applications for Intra- State Open Access for July 2021 and subsequent months and applications for Inter-State Open Access for August 2021 and subsequent months. The application was heard by one of us Sri Thakur Rama Singh/Member on 30-06-2021. Following the said hearing, the petitioner has paid Rs.1.91,00,340/- towards the disputed deviation charges. Since the very demand of the said sum is assailed in the O.P., as rightly submitted by Sri K. Gopal Choudary, the payment made shall be treated as having been made under protest without prejudice to the petitioner's contentions raised in the O.P. and the same shall be subject to the result of the O.P. The learned Counsel for the parties submitted that in the light of the above subsequent event of payment by the petitioner, albeit under protest, no further orders in this I.A. are necessary except observing that the payment made by the petitioner of the said sum of Rs.1,91,00,340/- shall be subject to the result of the O.P. The application is accordingly closed.

Sd/-
MEMBER / TRS

Sd/-
CHAIRMAN

Sd/-
MEMBER / PRR

O.P.No.77 of 2021

Though the respondents have filed counter in I.A.No.1 of 2021, which is closed today, they are permitted to file counter in the O.P. Four weeks' time for this purpose is granted. Two weeks' time thereafter for filing rejoinder, if any, is granted to the petitioner. Call on 25-08-2021.

Sd/-
MEMBER / TRS

Sd/-
CHAIRMAN

Sd/-
MEMBER / PRR