

**Record of Proceedings Dated 15-03-2023**

**OP No. 4 of 2023**

**Kreate Energy India Pvt. Ltd. Vs. APPCC**

(Petition filed under section 86(1) (f) of the Electricity Act, 2003 for adjudication of disputes between the Petitioner and the Respondents in terms of the supply of power for the period from January, 2018 to October, 2019 in terms of the power banking arrangement between the parties.)

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Ms. Shraddha Guptha, learned Counsel for the Petitioner, and Sri P.Shiva Rao, learned Standing Counsel for the respondent, are present at the hearing.

Sri P.Shiva Rao, learned Standing Counsel for the respondent, requested time for filing Counter.

During the hearing, it has come out that there is no dispute about the liability of the respondents to pay the LPS, and that payment is not made on the ground that the financial position of the respondents is precarious. A suggestion is, therefore, made to both the parties to come to a reasonable settlement on this aspect. Both the learned counsel agreed to instruct their respective clients accordingly.

Call on 03-5-2023 for counter and/or for reporting settlement.

**Sd/-  
MEMBER/TRS**

**Sd/-  
CHAIRMAN**

**OP No. 5 of 2023**

**APDISCOMs Vs. APGENCO**

(Petition filed under Sec.86(1) (b) of the Electricity Act 2003 for granting consent for the Amended Restated PPA of 1x800 MW Dr.Narla Tata Rao Thermal Power Station-V (Dr.NTTPS Stage-V), dated 14-10-2022.

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This application is filed in respect of Dr. Narla Tata Rao Thermal Power Station, Stage-V, 1x800 MW Project for approval of Amended and Restated PPA (amended and restated agreement).

Heard Sri P.Shiva Rao, learned Standing Counsel for the petitioners-DISCOMs.

A perusal of the PPA shows that tariff has not been stipulated therein. It is brought to the notice of the Commission that as the COD has not yet been achieved so far, tariff could not be arrived at. While giving in principle permission for entering into Amended and Restated PPA - vide: this Commission's proceedings in Lr.No.APERC/E-34D/DD(P & PP)/D.No.30B, dated 20-5-2022 - this Commission has directed the parties to submit the PPA along with Tariff Application within two months

from the Commercial Operation Date (COD) of the unit for approval of the PPA and determination of the tariff. In the light of the above proceedings, the parties ought to have filed the applications for approval of the PPA as well as Tariff after declaration of COD. Since the Tariff application is not filed on the ground that COD was not achieved, instead of returning this OP, filed for approval of the PPA, hearing of the same is adjourned *sine die* till Tariff application is filed in terms of the aforesaid Proceedings 20-5-2022 of this Commission.

An application may be moved for posting this OP., after filing of Tariff Application for hearing, by the parties

**Sd/-  
MEMBER/TRS**

**Sd/-  
CHAIRMAN**

**OP No. 6 of 2023  
APDISCOMs Vs. APGENCO**

Petition filed under Sec.86(1) (b) of Electricity Act 2003 for granting consent for the Amended Restated PPA of 1x800 MW Sri Damodaram Sanjeevaiah Thermal Power Stations (SDSTPS) Stage-II, dated 14-10-2022.

(Being Licensees, APDISCOMs exempted from paying court fee as per Regulation No,1 of 2005 r/w Regulation No. 11 of 2013 under clause 4(iii)(b))

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This application is filed in respect of Sri Damodaram Sanjeevaiah Thermal Power Station, Stage-II, 1x800 MW Project for approval of Amended and Restated PPA (amended and restated agreement).

Heard Sri P.Shiva Rao, learned Standing Counsel for the petitioners-DISCOMs.

A perusal of the PPA shows that tariff has not been stipulated therein. It is brought to the notice of the Commission that as the COD has not yet been achieved so far, tariff could not be arrived at. While giving in principle permission for entering into Amended and Restated PPA - vide: this Commission's proceedings in Lr.No.APERC/E-34D/DD(P & PP)/D.No.30B, dated 20-5-2022 - this Commission has directed the parties to submit the PPA along with Tariff Application within two months from the Commercial Operation Date (COD) of the unit for approval of the PPA and determination of the tariff. In the light of the above proceedings, the parties ought to have filed the applications for approval of the PPA as well as Tariff after declaration of COD. Since the Tariff application is not filed on the ground that COD was not achieved, instead of returning this OP, filed for approval of the PPA, hearing of the same is adjourned *sine die* till Tariff application is filed in terms of the aforesaid Proceedings 20-5-2022 of this Commission.

An application may be moved for posting this OP., after filing of Tariff Application for hearing, by the parties

**Sd/-  
MEMBER/TRS**

**Sd/-  
CHAIRMAN**

**OP No. 7 of 2023**

**M/s New & Renewable Energy Development Corporation of A.P Ltd., (NREDCAP) Vs. APSPDCL,**

(Petition filed under Sections 86 (1) (a), 86 (1) (b) and 86 (1) (e) of the Electricity Act, 2003 seeking Approval of the Tariff of at least Rs.3.43 ps per unit or higher for sale of Wind Power by the Petitioner's 5.95 MW Wind Power Plant to the Respondent herein for the PPA dated.27.03.2012 for the balance tenure of operation from 11th year to 20th year in terms of the Order dated 01.05.2009 passed by this Commission in O.P Nos.6 and 7 of 2009)

**OP No. 8 of 2023**

**M/s New & Renewable Energy Development Corporation of A.P Ltd., (NREDCAP) Vs. APSPDCL**

(Petition filed under Sections 86 (1) (a), 86 (1) (b) and 86 (1) (e) of the Electricity Act, 2003 seeking approval of Tariff of at least Rs.3.43 ps per unit or higher for sale of Wind Power by the Petitioner's 1.60MW Wind Power Plant to the Respondent herein for the PPA dated.29.03.2012 for the balance tenure of operation from 11th year to 20 year in terms of the Order dated 01.05.2009 passed by this Hon'ble Commission in O.P Nos.6 and 7 of 2009)

Sri Deepak Chowdary, counsel representing Sri Challa Gunaranjan, learned counsel for the Petitioner and Sri P. Shiva Rao, learned standing counsel for the Respondent are present at the hearing.

Sri P.Shiva Rao, learned Standing Counsel for the respondent, requested time for filing counters.

Call on 03-5-2023.

**Sd/-  
MEMBER/TRS**

**Sd/-  
CHAIRMAN**

**OP No. 9 of 2023**

**M/s Alufluoride Limited Vs. APSLDC, APTRANSCO, APEPDCL**

(Petition filed u/s 86(1)(f) of Electricity Act, 2003 seeking consideration of unsettled Banking Units of 6.18 lakhs during the period from 25.03.2019 to 31.03.2020 and 23.21 lakhs during the period from 01.04.2020 to 10.01.2021 (total 29.39 lakhs units) towards increasing the capacity from 1.6 MW to 3.00 MW Generator in their project at Polepalli Village, Butchayyapeta Mandal, Visakhapatnam District AP.

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Sri L.Arvind Reddy, learned counsel for the Petitioner and Sri P. Shiva Rao, learned counsel for the Respondents, are present at the hearing.

Sri P.Shiva Rao, learned Standing Counsel for the respondent, requested time for filing counters.

Call on 03-5-2023.

**Sd/-  
MEMBER/TRS**

**Sd/-  
CHAIRMAN**

**OP No. 70 of 2022****M/s. Bharat Heavy Electricals Limited Vs. APTRANSCO & Others**

(Petition filed Under Section 86(1)(f) of the Electricity Act 2003 seeking a direction to the Respondents to pay jointly and severally a sum of Rs. 1,90,31,273/- (Rupees One Crore, Ninety Lakhs, Thirty One Thousand, Two Hundred and Seventy Three only) together with interest at 10% per annum from the respective dates towards invoice dated 07/12/2019 issued in respect of the 3 MW power for 6012440 Units injected between April 2016 to November 2019 to the respondents at its Inter-connection point based on the collective Joint Meter reading).

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Sri P. Shiva Rao, learned counsel for the Respondent is present at the hearing.

Counsel for the petitioner is not present. Counters have been filed.

Call on 14-6-2023 for rejoinders, if any.

**Sd/-  
MEMBER/TRS**

**Sd/-  
CHAIRMAN**

**OP No.1 of 2023****Aurobindo Pharma Limited (APL) Vs. APTRANSCO, APEPDCL, APSLDC,**

(Petition filed u/s 181(e) read with Sections 42(3) and 61(h) of the Electricity Act, 2003 to direct the Respondents to give reduction in contracted demand with DISCOM for a period of five (5) years from the date of commissioning of Solar Power Plant as stated in Paras 16 & 17 and as envisaged under the Solar Power Policy, 2015 and Regulation No.2 of 2016 dated 08.01.2016 (Third Amendment Regulation, 2016) notified by this Commission by duly revising the bills from October 2017 to 31.05.2022)

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Smt Rashhmi G.Kamath, learned counsel for the petitioner, and Sri P. Shiva Rao, learned counsel for the Respondent, are present at the hearing.

Counter is filed. Smt Rashhmi G.Kamath, learned counsel for the petitioner, requested time for rejoinder.

Call on 03-5-2023.

**Sd/-  
MEMBER/TRS**

**Sd/-  
CHAIRMAN**

**OP No. 33 of 2022****CMD/APTRANSCO & CGM/Commercial/APTRANSCO(iii)  
Vs.****M/s Bharath Wind Farms Ltd. & others**

(Petition filed under Section 86(1)(f) of the Electricity Act, 2003 against the non-conventional energy developers, such as wind, biomass, bagasse, mini hydel etc., who entered into "Power Wheeling and Purchase Agreement" with the Petitioners at 33KV grid level for non-payment of transmission charges.

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Sri P. Shiva Rao, learned standing counsel for the Petitioners; Sri Deepak Chowdary, counsel representing the learned counsel for R-2, R-12, R8, R-18 R-9 and R-10; Ms.B.Poojita, learned counsel for R.17, are present at the hearing.

The respondents have filed IAs raising objections regarding the maintainability of the OP. The petitioners have filed counter-affidavits in those IAs, while some of the respondents have filed counter affidavits in the OP itself and some others have not filed counters in the OP.

Since the Commission proposes to hear the OP itself along with the IAs filed regarding maintainability of the OP., those respondents, who have not filed counters are permitted to file their counters in the OP, before the next date of hearing.

Call on 14-6-2023 for hearing.

**Sd/-  
MEMBER/TRS**

**Sd/-  
CHAIRMAN**

**OP No. 64 of 2022**

**M/s.APEPDCL.,M/s.APSPDCL Vs. M/s. Spectrum Power Generation Ltd.,**

(Petition filed U/Sec 86(1)(f) of the Electricity Act 2003 read with Clause-55 of the APERC (Conduct of Business Regulation), 1999 to determine the Tariff for procurement of power from M/s Spectrum Power Generation Limited, 208 MW Combined Cycle Gas based Power Project during the FY 2016-17).

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Sri P. Shiva Rao, learned standing counsel for the Petitioners and Smt K.Prabhavathi, counsel representing Sri M.Naga Deepak, learned counsel for the Respondent, are present at the hearing.

Rejoinder is filed. As the OP pertains to determination of tariff for FY 2016-17, Public Notice is required to be given under Section 64(2) of the Electricity Act, 2003.

Accordingly, the petitioner shall carry out publication in two newspapers i.e., Sakshi (Telugu) and Deccan Chronicle (English) of Andhra Pradesh Editions.

Call on 03-5-2023 for proof of publication.

**Sd/-  
MEMBER/TRS**

**Sd/-  
CHAIRMAN**

**OP No. 53 of 2022**

**M/s. Bharat Heavy Electrical Limited Vs. APTRANSCO & others**

(Petition filed U/Sec 86(1)(f) of the Electricity Act, 2003 to direct the Respondents to pay sum of Rs.1,95,75,929/- (Rupees One Crore, Ninety Five Lakhs, Seventy Five Thousands, Nine hundred and Twenty Nine only) together with interest at 10% Per Annum towards the cost of the energy supplied to the respondents)

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Sri P. Shiva Rao, learned standing counsel for the Respondent is present at the hearing.

Counsel for the petitioner is not present at the hearing.

Rejoinder is not filed. Call on 03-5-2023

**Sd/-  
MEMBER/TRS**

**Sd/-  
CHAIRMAN**

**OP No. 1 of 2019 M/s Axis Wind Farms (Uravakonda) Pvt. Ltd.  
OP No. 2 of 2019 M/s Axis Wind Farms (Ahobilam) Pvt. Ltd.  
OP No. 3 of 2019 M/s Axis Wind Farms (Vajrakarur) Pvt. Ltd.  
OP No. 4 of 2019 M/s Axis Wind Farms (Pottipadu) Pvt. Ltd.  
OP No. 5 of 2019 M/s Axis Wind Farms (Beluguppa) Pvt. Ltd.  
OP No. 6 of 2019 M/s Axis Wind Farms (Penna) Pvt. Ltd.  
OP No. 7 of 2019 M/s Axis Wind Farms (Manirevu) Pvt. Ltd.  
OP No. 8 of 2019 M/s Axis Wind Farms (AP) Pvt. Ltd..  
OP No. 9 of 2019 M/s Axis Wind Farms (Amidyala) Pvt. Ltd.  
OP No. 10 of 2019 M/s Axis Wind Farms (Godavari) Pvt. Ltd.  
OP No. 11 of 2019 M/s Axis Wind Farms (Kalyandurg) Pvt. Ltd.  
OP No. 12 of 2019 M/s Axis Wind Farms (Reketla) Pvt. Ltd.  
OP No. 13 of 2019 M/s Axis Wind Farms (Borampally) Pvt. Ltd.  
OP No. 14 of 2019 M/s Axis Wind Farms (Seerpi) Pvt. Ltd.  
OP No. 15 of 2019 M/s Axis Wind Farms (Golla) Pvt. Ltd.  
OP No. 16 of 2019 M/s Axis Wind Farms (Chapri) Pvt. Ltd.  
OP No. 22 of 2019 M/s SV Renewable Energy  
OP No. 23 of 2019 M/s Axis Wind Farms (Krishna) Pvt. Ltd.,  
OP No. 24 of 2019 M/s Axis Wind Farms (Tungabhadra) Pvt. Ltd.,  
OP No. 25 of 2019 M/s Pujaa Shree Renewable Energy Won Pvt. Ltd.  
OP No. 26 of 2019 M/s G T Renewable Energy**

**Vs.**

**APSPDCL**

(Petitions filed for determination of tariff for Wind Power Project in the State of AP in accordance with Sections 61(h), 62(1)(a) of the Electricity Act, 2003 r/w CERC (Terms & conditions for tariff determination from Renewable Energy Sources) Regulations, 2017.

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Sri Deepak Chowdhary, learned counsel for the Petitioners and Sri P. Shiva Rao, learned standing counsel for the Respondent, are present at the hearing.

In view of the memo filed by the respondent seeking withdrawal of their earlier memo dated 27-7-2019 seeking permission for withdrawal of the PPAs entered with the petitioners, it is necessary to hear the OPs on merits. Since the OPs relate to approval of the PPAs and determination of tariff, they are required to be placed in the Public domain.

Accordingly, the petitioners shall carry out paper publication, by publishing the notices in two newspapers i.e., Sakshi (Telugu) and Deccan Chronicle (English) of Andhra Pradesh Editions.

Call on 14-6-2023 for proof of publication.

**Sd/-  
MEMBER/TRS**

**Sd/-  
CHAIRMAN**

**OP No. 39 of 2022**

**M/s. Danu Wind Parks Pvt. Ltd., Vs. (i) CMD/APSPDCL, (ii) APPCC (iii) CGM/P&MM IPC/APSPDCL and (iv) Chairman/ APPCC/APTRANSCO**  
(Petition filed u/s 86(1)(f) and (e) of the Electricity Act, 2003 read with Regulation 8 of the APERC (Conduct of Business) Regulations, 1999, as amended, read with Article 5 of the PPA dated 17-07-2017 entered into between the petitioner and APSPDCL, seeking directions to APSPDCL for expeditiously releasing the payments of the amounts due and payable to the petitioner by APSPDCL under the PPA)

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Sri Vivek Chandrasekhar, learned counsel for the Petitioner and Sri P. Shiva Rao, learned standing counsel for the Respondent are present at the hearing.

O.P. allowed to the extent indicated. (vide separate order)

**Sd/-  
MEMBER/TRS**

**Sd/-  
CHAIRMAN**

**OP No. 68 of 2022**

**M/s. Jindal Urban Waste Management (Guntur) Ltd Vs. APSPDCL & two Others**

(Petition filed under Section 86(1)(f) and (e) of the Electricity Act, 2003, read with Regulation 8 of the Andhra Pradesh Electricity Regulatory Commission (Conduct of Business) Regulations, 1999, as amended, read with Article 7 of the Power Purchase Agreement dated 06.02.2016 ("PPA") entered into between the Petitioner and APSPDCL seeking directions to the APSPDCL and APCPDCL not to reduce the tenure of the PPAs from the existing term of 25 years to the proposed term of 10 to 15 years)

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Sri Vivek Chandrasekhar, learned counsel for the Petitioner, and Sri P. Shiva Rao, learned standing counsel for the Respondents, are present at the hearing.

Sri S.Vivek Chandra Seklhar, learned counsel for the petitioner, submitted that negotiations are going on between the parties. He, therefore, requested an adjournment.

Call on 03-5-2023.

**Sd/-  
MEMBER/TRS**

**Sd/-  
CHAIRMAN**

**OP No. 69 of 2022****M/s. Trident Power Pvt Ltd., Vs. APCPDCL & four others**

(Petition filed u/s 86(1) (b) of the Electricity Act 2003 r/w Clause-55 of the APERC (Conduct of Business) Regulations, 1999 praying the Commission to issue a direction declaring the action of Respondents 1, 3 and 4 in levying and demanding differential wheeling charges, cross-subsidy surcharge and transmission charges on the energy generated and wheeled by the Applicant under the provisions of the Power Wheeling and Purchase Agreement dated 11.01.2000, purported to be basing the Tariff Orders of the APERC vide Lr. No CMD/D/T/D/FIN/CGM/F/GM/ R&IA/ SAO/R&IA/AAO/HT/ D.No. 772/20 dated 05.01.2021)

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Smt Rashhmi G.Kamath, learned counsel for the Petitioner, and Sri P. Shiva Rao, learned counsel for the Respondents, are present at the hearing.

Smt Rashhmi G.Kamath, learned counsel for the petitioner, requested further time for instructions.

Call on 03-5-2023.

**Sd/-**  
**MEMBER/TRS**

**Sd/-**  
**CHAIRMAN**

**OP No. 3 of 2020****APEPDCL**

(In the matter of Amendment to APERC (Terms and Conditions of Open Access) Regulation, 2005 Regulation No. 2 of 2005)

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**OP No. 4 of 2020****APSPDCL**

(Petition filed u/ss 42 (2), 66 & 94 (2) of the Electricity Act, 2003, Clause Nos. 24 (2) & 26 of APERC Regulation 2 of 2005 seeking amendment to the APERC Terms & Conditions of Open Access Regulation (Regulation 2 of 2005) & Regulation No. 1 of 2016, for withdrawal of incentives given to the group captive Open Access generators and Open Access Consumers).

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**OP No. 5 of 2020****APSPDCL**

Petition u/s 42 (2), 66 & 94 (2) of the Electricity Act, 2003, clause No. 15 of APERC Regulation 2 of 2006 seeking amendment to the Interim balancing and Settlement Code for Open Access Transactions (Regulation 2 of 2006) with plea to abolish the banking facility for Open Access RE generators and Open Access Consumers.

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**OP No. 16 of 2020****APEPDCL**

Petition filed by APEPDCL under Section 42 (2), 66 & 94 (2) of the Electricity Act 2003 Clause 15 of APERC Regulation 2 of 2006 seeking amendment to Interim Balancing and Settlement Code for Open Access Transactions (Regulation No. 2 of 2006) with plea to withdraw the banking facility for open access RE generators and open access consumers.

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**OP No. 17 of 2020**  
**APEPDCL**

(APEPDCL has filed the petition seeking suitable amendments to "2nd proviso to clause 4.1" and "Clause 10.5 of Regulation No. 2 of 2016")

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Sri P.Shiva Rao, learned standing counsel for the Petitioners; Smt G.Sulekha Rani, General manager (Solar). APEPDCL; Sri Deepak Chowdary, learned counsel representing the learned objectors M/s sri Lakshmi Ganapathi Engineering works, M/s Repal Renewables Pvt., Ltd., M/s Arkha Solar Power Pvt., Ltd., M/s Jyotirmaye Textiles Pvt., Ltd., and M/s KCP Ltd, and Sri M. Venugopala Rao, learned Objector, are present at the hearing.

Sri P.Shiva Rao, learned Standing Counsel for the petitioners, has placed before us G.O.Ms.No.1, Energy (Power) Department, dated 01-3-2021, wherein the Government has clarified that the amendments carried out in G.O.Ms.No.35, Energy (Power-II) Department, dated 18-11-2019, will have prospective effect only and applicable to the renewable energy power projects that are commissioned after 18-11-2019. Sri Deepak Chowdary submitted that if proposed amendments are made in line with GO Ms.No.1, his clients have no objection for such amendments. The learned Standing Counsel further submitted that the petitioners are not pressing the amendment relating to Banking.

However, Sri M.Venugopala Rao, learned Objector, seriously objected to this submission of the learned Standing Counsel and requested that the proposed amendment doing away with Banking prospectively may be brought in, in order to avoid undue liability on the DISCOMs and eventually on the consumers.

Orders reserved.

**Sd/-**  
**MEMBER/TRS**

**Sd/-**  
**CHAIRMAN**

**In the matter of Inspection of 132/33 KV GIS Mogahalrajpuram SS of Vijayawada and Guntur Circle by Honourable Member(Technical) on 16-6-2022**  
**- Non-compliance of the directions issued by the Commission - Summons issued to the CMD, APSPDCL, Vijayawada, SE (Operations), APSPDCL, Vijayawada, and DE (Operations) (Town), APSPDCL, Vijayawada.**

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Sri A.Murali Mohan, Superintending Engineer (Operations), APCPDCL, Vijayawada is present at the hearing. He placed before the Commission, letter No.CMD/Peshi/APCPDCL/VJA/F.NO.\_\_/D.No.29/22-23, dated 10-3-2023, addressed

by the Chairman and Managing Director of APCPDCL, wherein he has, *inter alia*, stated that the four numbers of 33 KV Takeoff arrangements work from 132/33 KV newly erected GIS Substation has been completed on 07-3-2023 and ready for loading. The following are the 4 numbers of 33 KV feeders:

- “ 1. 33 KV Jubilee SS feeder for 33/11 KV Jubilee Sub-Station.
2. 33 KV MR SS feeder for 33/11 KV MR Sub-Station.
3. 33 KV Chuttugunta SS feeder for 3/11 KV Chuttugunta Sub-Station.
4. 33 KV MG SS feeder for 33/11 KV MG Sub-Station”.

At the hearing, the Superintending Engineer has submitted that once 132/33 KV GIS Substation is charged, the above four feeders can be loaded and power could be supplied through those feeders.

In light of the above statement, the proceedings are closed.

**Sd/-  
MEMBER/TRS**

**Sd/-  
CHAIRMAN**