

Appellate Tribunal for Electricity
(Appellate Jurisdiction)

O. P. No. 1 of 2014 &
I.A. No. 119 of 2014

Dated: 10th March, 2014

Present: Hon'ble Mr. Justice M Karpaga Vinayagam, Chairperson
Hon'ble Mr. Rakesh Nath, Technical Member

In the matter of

1. **Biomass Energy Developers Association** ... **Petitioner(s)**
E-506, Keerti Apartments,
Behind Sarathi Studios
Ameerpet, Hyderabad – 500 073
2. **Matrix Power Pvt. Ltd**
8-2-277/12, Road No.3, Banjara Hills
Hyderabad – 500 034
3. **Shalivahana Green Energy Ltd.**
7th Floor, Minerva Complex, S.D. Road
Secunderabad – 500 003
4. **Bollineni Castings & Steel Ltd.**
6-2-913/914, Progressive Towers
1st Floor, Khairatabad,
Hyderabad – 500 004
5. **Suryateja Power Projects Pvt. Ltd.**
Giri Sikara Apartments
Flat No. A3, 6-3-600/2/B
Padmavathi Nagar, Khairatabad
Hyderabad – 500 004

Versus

Andhra Pradesh Electricity Regulatory Respondent(s)
Commission
#11-4-660, 4th Floor,
Singareni Bhavan, Red Hills
Hyderabad – 500 004

Counsel for the Petitioner(s) : Mr. K. Gopal Choudary

ORDER

RAKESH NATH, TECHNICAL MEMBER

O.P. No. 1 of 2014 has been filed by the Biomass Energy Developers Association and others seeking for the directions to be issued to the Andhra Pradesh Electricity Regulatory Commission in the proceedings initiated to determine the variable cost of generation for biomass based power project for the period 2014-19. IA no. 119 of 2014 has been filed to seek stay of further proceedings pending disposal of the O.P. 1 of 2014.

2. We have heard Shri K. Gopal Choudary, Learned Counsel for the Petitioners. He has submitted that by a press release dated 21.2.2014 placed on its website on 22.2.2014 along with consultative paper, the State Commission has proposed to determine, *interalia*, the variable cost of generation for biomass based power project for the period 2014-19 and no notice was issued to the Petitioners individually. Further, no public notice by advertisement in appropriate newspapers was issued. On downloading of the consultative paper, the Petitioners have found that the consultative paper of the State Commission has questioned the Station Heat Rate for biomass based projects determined by this Tribunal in its judgment dated 20.12.2012 in Appeal no. 150 of 2011 and batch.
3. In view of the above, the Petitioners have approached the Tribunal for giving appropriate directions to the State Commission and also requested for stay of further

- proceedings before the State Commission in the matter of determination of variable cost.
4. This Tribunal, in the order dated 20.12.2012 in Appeal no. 150 of 2011 and batch has given findings on norms to be adopted for determination of tariff for biomass based projects and other renewable energy projects for the period 2004-09 on the basis of the submissions and data furnished by the parties, orders of the State Commission, Central Commission's Regulations, Report of the CEA, etc. In the said judgment the Tribunal also felt that there was a need for carrying out a study for determination of the normative parameters specific to the State for future and directions were given to the State Commission to undertake the study and frame its Tariff Regulations.
 5. We feel that it is not proper for us to restrain the State Commission to carry out its statutory functions. Therefore, we are not inclined to issue any directions

- including the order of stay of the proceedings before the State Commission for determination of variable cost for the control period 2014-19.
6. However, we direct the State Commission to ensure that principles of natural justice as stipulated under Section 64 of the Electricity Act are duly followed in the above proceedings.
 7. With the above directions O.P. No. 1 of 2014 and IA no. 119 of 2014 are disposed of. Registry is directed to send a copy of this order to the Secretary, Andhra Pradesh Electricity Regulatory Commission forthwith.

(Rakesh Nath)
Technical Member

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REPORTABLE/NON-REPORTABLE
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(Justice M. Karpaga Vinayagam)
Chairperson