

**Before the Appellate Tribunal for Electricity  
(Appellate Jurisdiction)**

**Appeal Nos. 166 of 2011, 150 of 2011, 168 of 2011, 172 of 2011, 173 of 2011, 09  
of 2012 & I.A. No. 14 of 2012, 18 of 2012, 29 of 2012, 26 of 2012 & 38 of 2012**

**Dated: 5<sup>th</sup> July, 2012**

**Present : Hon'ble Mr. Rakesh Nath, Technical Member  
Hon'ble Mr. Justice P.S. Datta, Judicial Member**

**Appeal No. 166 of 2011**

**In the matter of:**

**Biomass Energy Developers  
Association & Ors.**

... **Appellant (s)**

**Versus**

**Andhra Pradesh Electricity  
Regulatory Commission & Ors.**

... **Respondent (s)**

**Counsel for the Appellant(s)**

: **Mr. K. Gopal Choudary**

**Counsel for the Respondent(s)**

: **Mr. A. Mariarputham, Sr. Adv.  
Mr. A. Subba Rao  
Mr. A.T. Rao  
Mr. Yusuf Khan**

**Appeal No. 150 of 2011**

**M/s SLS Power Limited**

... **Appellant (s)**

**Versus**

**Andhra Pradesh Electricity  
Regulatory Commission & Ors.**

... **Respondent (s)**

**Counsel for the Appellant(s)**

: **Mr. M.G. Ramachandran  
Ms. Swapna Sheshadri**

**Counsel for the Respondent(s)**

: **Mr. A. Mariarputham, Sr. Adv.  
Mr. A. Subba Rao  
Mr. A.T. Rao  
Mr. Yusuf Khan**

**Appeal No. 168 of 2011**

**South Indian Sugar Mills  
Association & Ors.**

...

**Appellant (s)**

**Versus**

**Andhra Pradesh Electricity  
Regulatory Commission & Ors.**

...

**Respondent (s)**

**Counsel for the Appellant(s)**

:

**None**

**Counsel for the Respondent(s)**

:

**Mr. A. Mariarputham, Sr. Adv.  
Mr. A. Subba Rao  
Mr. A.T. Rao  
Mr. Yusuf Khan**

**Appeal No. 172 of 2011**

**Sardar Power Private Limited**

...

**Appellant (s)**

**Versus**

**Andhra Pradesh Electricity  
Regulatory Commission & Ors.**

...

**Respondent (s)**

**Counsel for the Appellant(s)**

:

**K. Gopal Choudary**

**Counsel for the Respondent(s)**

:

**Mr. A. Mariarputham, Sr. Adv.  
Mr. A. Subba Rao  
Mr. A.T. Rao  
Mr. Yusuf Khan**

**Appeal No. 173 of 2011  
& IA No. 60 of 2012**

**M/s K.M. Power Private  
Limited & Ors.**

...

**Appellant (s)**

**Versus**

**Andhra Pradesh Electricity Regulatory  
Commission & Ors.**

...

**Respondent (s)**

**Counsel for the Appellant(s)**

:

**Mr. M.G. Ramachandran  
Ms. Swapna Sheshadri**

**Counsel for the Respondent(s) : Mr. A. Mariarputham, Sr. Adv.  
Mr. A. Subba Rao  
Mr. A.T. Rao  
Mr. Yusuf Khan**

**Appeal No. 9 of 2012 & IA No. 14 of 2012**

**K.C.P Sugars and Industries Corporation Ltd. & Ors. ... Appellant (s)**

**Versus**

**Andhra Pradesh Electricity Regulatory Commission & Ors. .... Respondent (s)**

**Counsel for the Appellant(s) : None**

**Counsel for the Respondent(s) : Mr. A. Mariarputham,  
Sr. Adv.  
Mr. A. Subba Rao  
Mr. A.T. Rao  
Mr. Yusuf Khan**

**Appeal No. 18 of 2012 & IA No. 61 / 2012**

**Central Power Distribution Co. of A.P. ... Appellant (s)**

**Versus**

**Bollineni Castings Ltd. & Ors. ... Respondent (s)**

**Counsel for the Appellant (s) : Mr. A. Mariarputham,  
Sr. Adv.  
Mr. A. Subba Rao  
Mr. A.T. Rao  
Mr. Yusuf Khan**

**Counsel for the Respondent(s) : Mr. K. Gopal Choudary  
Ms. Swapna Sheshdri for  
R-5**

**Appeal No. 29 of 2012 & IA No. 52 of 2012**

**M/s. Bollineri Castings and Steels Ltd. ... Appellant (s)**

**Versus**

**Andhra Pradesh Electricity Regulatory  
Commission & Ors. .... Respondent (s)**

**Counsel for the Appellant(s) : None**

**Counsel for the Respondent(s) : Mr. A. Mariarputham,  
Sr. Adv.  
Mr. A. Subba Rao  
Mr. A.T. Rao  
Mr. Yusuf Khan**

**Appeal No. 26 of 2012 & IA No. 46 of 2012**

**M/s.Kakatiya Cement Sugar & Industries Ltd .... Appellant (s)**

**Versus**

**Andhra Pradesh Electricity Regulatory  
Commission & Ors. .... Respondent (s)**

**Counsel for the Appellant(s) : None**

**Counsel for the Respondent(s) : Mr. A. Mariarputham,  
Sr. Adv.  
Mr. A. Subba Rao  
Mr. A.T. Rao  
Mr. Yusuf Khan**

**Appeal No. 38 of 2012 & IA No. 69 of 2012**

**M/s. Agri Gold Project Ltd.& Ors. ... Appellant (s)**

**Versus**

**Andhra Pradesh Electricity Regulatory  
Commission & Ors. .... Respondent (s)**

**Counsel for the Appellant(s)**

**: None**

**Counsel for the Respondent(s)**

**: Mr. A. Mariarputham, Sr. Adv.  
Mr. A. Subba Rao  
Mr. A.T. Rao  
Mr. Yusuf Khan**

### **ORDER**

Shri Gopal Choudhary, learned counsel for the appellant generating company pointed out that the learned counsel for the Discoms has raised objections to one of the clauses in the bank guarantee furnished by M/s. Varam Power Projects Pvt. Ltd. Even though the bank guarantee is valid for a period of six months i.e. upto 04.12.2012, as required, but there is an additional clause which states that unless a claim is addressed to and delivered to the bank on or before 04.03.13, all the liabilities of the bank under the guarantee shall cease. According to Shri Gopal Choudary this clause does not in any way affect the rights of the Discoms but provides additional facility to raise their claim before the bank within six months after the date of validity of the LC. We have heard the learned counsel for the Discoms. His contention is that this clause may be deleted as this was not envisaged in the agreed format of the bank guarantee. We find that the LC is valid upto 04.12.2012 as required but the additional clause only gives time to the Discoms to furnish its claim to the Bank upto 04.03.2013. Thus, this additional clause does not appear to be detrimental to the rights of the Discoms but may be beneficial to them. Accordingly, necessary directions will be given to the Registry.

Heard the learned counsel for the appellant in Appeal No. 173 of 2011. Learned counsel for the appellant in Appeal No. 166 of 2011 seeks some time to file

written submissions. He is permitted to file the same by 19<sup>th</sup> July, 2012 and 10 days thereafter, the learned counsel for the respondents may file their respective written submissions.

Learned counsel for the appellant in Appeal No. 173 of 2011 files memo. This will be heard on the next date of hearing.

Post the matter for hearing on 19<sup>th</sup> July, 2012.

**(Justice P.S. Datta)**  
**Judicial Member**

**(Rakesh Nath)**  
**Technical Member**

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