

COURT-I
IN THE APPELLATE TRIBUNAL FOR ELECTRICITY
(Original Jurisdiction)

ORIGINAL PETITION NO. 03 OF 2019 &
IA NOS. 1418 & 1903 OF 2019

Dated : 23rd October, 2019

Present: Hon'ble Mrs. Justice Manjula Chellur, Chairperson
Hon'ble Mr. S.D. Dubey, Technical Member

In the matter of:

SB Energy Seven Private Limited ... **Petitioner(s)**
Versus
Andhra Pradesh Electricity Regulatory Commission & Ors. ... Respondent(s)

Counsel for the Petitioner(s) : Mr. Hemant Sahai
Mr. Aditya K. Singh

Counsel for the Respondent(s) : Ms. Poorva Saigal
Ms. Ranjitha Ramachandran
Mr. Shubham Arya
Ms. Anushree Bardhan
Mr. Arvind Kumar Dubey for R.2

Mr. Rakesh Kumar Sharma for R-3 & R-4

ORDER

Appellants placed on record order dated 05.10.2019 subsequent to orders of this Tribunal dated 29.08.2019 and 16.09.2019.

There was a clear direction not to hold public hearing since it was a petition for adoption of tariff under Section 63 of Electricity Act, 2003 read with Section 86 (i) (b) of Electricity Act, 2003, the competitive bidding process.

Now, the above mentioned order of Commission dated 05.10.2019 indicates that in fact the objectors (part of Public Hearing) were entertained indirectly by passing the following order :

*“Therefore, all the three matters under public hearing under consideration herein are ordered approving the procurement of solar power by Southern Power Distribution Company of Andhra Pradesh Limited (APSPDCL) and Eastern Power Distribution Company of Andhra Pradesh Limited (APEPDCL) respectively from M/s. National Thermal Power Corporation Limited (NTPC) and M/s. Solar Energy Corporation of India Limited (SECI) of a total quantum of 750 MW, 250 MW and 750 MW respectively at the specified Solar Parks under the Power Sale Agreements (PSAs)/ Power Purchase Agreements (PPAs) respectively at the tariff discovered through competitive bidding process, as per the guidelines issued by the Government of India, which stand adopted by the Commission under Section 63 of the Electricity Act, 2003, **subject to the amendments to the Power Sale Agreements (PSAs)/Power Purchase Agreements (PPAs) respectively suggested by Sri M. Venugopala Rao and Sri A. Punna Rao, learned objectors being considered by the Distribution Companies of Andhra Pradesh, M/s. NTPC, M/s. SECI and the Solar Power Developers and their reporting back to the Commission within two (2) months from now their respective views on the proposed amendments. The Commission will examine the proposed amendments and views of the stakeholders received and after hearing in accordance with law, order incorporation of any amendments in the Power Sale Agreements (PSAs)/ Power Purchase Agreements (PPAs) respectively considered relevant and necessary by the Commission.**”*

This virtually means the process that discom has to follow would be subject to objections raised by objectors which is quite contrary to our directions dated 29.08.2019 and 16.09.2019.

However, learned Sr. Counsel, Mr. M. G. Ramachandran appear for NTPC and SECI submits that they are challenging the above said order by filing an appeal.

List the matter on **16.12.2019**.

(S. D. Dubey)
Technical Member

(Justice Manjula Chellur)
Chairperson

kt/mkj