

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

**IA NO. 1286 OF 2019 IN  
APPEAL NO. 95 OF 2019 &  
IA NO. 1283 OF 2019**

**Dated : 17<sup>th</sup> July, 2019**

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

**In the matter of:**

**M/s Rain Coke Ltd. ... Appellant(s)  
Versus  
Andhra Pradesh Electricity Regulatory Commission & Anr. ... Respondent(s)**

Counsel for the Appellant(s) : Mr. Sanjay Sen, Sr. Adv.  
Mr. S. Venkatesh  
Mr. Vikas Maini

Counsel for the Respondent(s) : Mr. K. V. Balakrishnan for R-1  
Mr. Nishant Sharma for R-2

**ORDER**

The approved tariff in terms of Power Purchase Agreement (PPA) pertaining to this Unit is Rs.3.74 per KWh. When the Respondent – Commission reduced it to Rs.3/- for certain period, the Appellant filed this Appeal. Meanwhile the Respondent – DISCOM on 12.07.2019 sent a letter to the Appellant reducing the tariff to Rs.2.44 per KWh from the date of commissioning of the project i.e. 07.11.2017.

Prima facie, we find that without any opportunity of being heard to the Appellant, the above stated letter seems to have been addressed. We therefore, opine that the said consequences mentioned in the above letter dated 12.07.2019 have to be stayed till further orders. Further, we direct the DISCOM to pay the tariff at the approved rate of Rs.3.74 per KWh till the next date of hearing.

List the matter on **26.08.2019**. Meanwhile, objections/reply if any, to IA No. 1283 of 2019 as well as to the main appeal may be filed with advance copy to the other side.

**(S. D. Dubey)  
Technical Member**

*tpd/mkj*

**(Justice Manjula Chellur)  
Chairperson**