



ANDHRA PRADESH ELECTRICITY REGULATORY COMMISSION
4th Floor, Singareni Bhavan, Red Hills, Hyderabad 500 004

O.P. No. 4 of 2018
Date: 17-03-2018

Present
Justice G. Bhavani Prasad, Chairman
Dr. P. Raghu, Member
Sri P. Rama Mohan, Member

Between:

1. Southern Power Distribution Company of Andhra Pradesh Limited, Beside Srinivasa Kalyanamandapam, Tiruchanur Road, Tirupathi – 517 501
2. Eastern Power Distribution Company of Andhra Pradesh Limited, P & T Colony, Seethammadhara Visakhapatnam – 530 020 ... Petitioners

A N D

M/s. KSK Mahanadi Power Company Ltd.
8-2-293/82/A/431/A, Road No.22, Jubilee Hills
Hyderabad – 500 033 ... Respondent

This Original Petition has come up for hearing finally on 17-03-2018 in the presence of Sri P. Shiva Rao, learned Standing Counsel for the petitioners and Sri Anand K Ganesan, learned counsel for the respondent. After carefully considering the material available on record and after hearing the arguments of the learned counsel for both parties, the Commission passed the following:

ORDER

Heard Sri P. Shiva Rao, learned Standing Counsel for the petitioners and Sri Anand K Ganesan, learned counsel for the respondent. The petition is for approval of the supplemental agreement amending Schedule 4 of the original Power Purchase Agreement and for addition of Schedule 4A describing the formula to arrive at the discount amount for all the coal sources under SHAKTI scheme entered into by the respondent with the petitioners on 23-01-2018. In the affidavit on behalf

of the respondent dated 16-02-2018, it was stated that the approval sought for may be relevant for the purpose of retail supply tariff approved by this Commission, whereas the other aspects of the Power Purchase Agreement are within the jurisdiction of Hon'ble Central Electricity Regulatory Commission. Again, an additional affidavit has been filed on behalf of the respondent on 16-03-2018 bringing to the notice of this Commission, orders of the Hon'ble Central Electricity Regulatory Commission in Petition No.21/MP/2018 dated 21-02-2018 wherein the Hon'ble Central Electricity Regulatory Commission approved the amendments to the Power Purchase Agreements. The Hon'ble Central Electricity Regulatory Commission in its order stated in Para 22 that after approval of the amendments to the PPAs, the concerned distribution companies may approach the respective SERCs for approval of the electricity purchase and procurement by the distribution companies under Section 86 (1) (b) of the Electricity Act, 2003 and ultimately amendments to the Power Purchase Agreements between the petitioners herein and the respondent herein were approved by the Hon'ble Central Electricity Regulatory Commission along with Power Purchase Agreements between the respondent and some others. In view of the admitted facts, the petition requesting to approve the supplemental agreement incorporating the amendments approved by the Hon'ble Central Electricity Regulatory Commission has to be necessarily allowed, which is the joint request of both the parties.

Hence, the Original Petition is allowed. No costs.

This order is corrected and signed on this the **17th day of March, 2018.**

Sd/-
P. Rama Mohan
Member

Sd/-
Dr. P. Raghu
Member

Sd/-
Justice G. Bhavani Prasad
Chairman