

COURT-I

**IN THE APPELLATE TRIBUNAL FOR ELECTRICITY
(APPELLATE JURISDICTION)**

IA NO.619 OF 2017
IN
APPEAL NO.153 OF 2017

Dated: 16th August, 2017

**Present: Hon'ble Mrs. Justice Ranjana P. Desai, Chairperson
Hon'ble Mr. I.J. Kapoor, Technical Member**

In the matter of:

M/s. Hinduja National Power Corporation Ltd. ... Appellant(s)
Vs.
Andhra Pradesh Electricity Regulatory Commission & Ors.... Respondent(s)

Counsel for the Appellant(s) : Mr. M.G. Ramachandran
Mr. Shubam Arya
Mr. Vinayak Bhandari

Counsel for the Respondent(s) : Mr. K.V. Mohan
Mr.K.V. Balakrishnan for APERC

Mr. Prerana Singh
Mr. Gautam Prabhakar for R-2 & R-3

ORDER

On 01.06.2016, we gave certain directions to Andhra Pradesh Electricity Regulatory Commission ("**the State Commission**"). Following are the directions:-

- "a) The State Commission shall dispose of two petitions pending before it within a period of three months from today, i.e. on or before 14.08.2017.*
- b) The Appellant shall withdraw the pending Review Petition before the State Commission as per the statement made in the court."*

Our order is not complied with and an application for extension of time is filed. In Paragraph 3 of the application, it is stated that after the conclusion of hearing on 15.05.2017 before the State Commission, the Technical Member availed leave with effect from 29.05.2017 for about two weeks and was away from the country in connection with the marriage of his daughter. Thereafter, in the months of June & July, 2017 on and off for few days and continuously for about two weeks with effect from 17.07.2017, the said Member was again on leave in connection with the marriage reception of his daughter in his native place. In view of such pre-occupation of the Member (Technical) of the Commission, he could not devote much time to examine voluminous records placed before the Commission in the above two matters.

In Paragraph 4 of the application it is further stated that the Chairman of the Commission is availing leave on personal grounds from 01.09.2017 to 02.10.2017 to visit his daughter in USA in connection with urgent domestic affairs. It is therefore stated that determination of the capital cost of the project of HNPCL which has a long history of about 20 years, will take a lot of time to sift through records and decide the issues on merits. In view of these difficulties, extension of time is sought.

We are anguished at the casual approach of the State Commission. The reasons assigned for not complying with our order are not at all satisfactory. We can appreciate that a person may have some personal difficulty like urgent attention to ailing member of the family or even a marriage but the moment that urgency is over, the concerned Member ought to immediately concentrate on the matter and comply with the directions given by this Tribunal. We are also surprised to know that without complying with our order, now the Chairman of the Commission has also decided to go abroad.

We are unhappy about this approach of the State Commission. The State Commission is dealing with matters involving huge stakes. Some of them are of very urgent nature. Ultimately as a Sector Regulator the State Commission has to balance the interest of all stakeholders. Their grievances need to be sorted out urgently. No doubt at times the task is onerous, but if time is allowed to pass without effective action, the State Commission will defeat the purpose of the Electricity Act. In this case even after making allowance for the Technical Member's visit to a foreign country for his daughter's marriage there was time to deal with the matter. However, that was not done.

Mr. M.G.Ramachandran has made a serious grievance that non-recognition of fixed charges and also non-recognition of full tariff payment are causing great hardships to the Appellant. We do not express any opinion on the merits of the case, but we appreciate the anguish of Mr. M.G. Ramachandran. In the circumstances and considering the fact that the Chairman has cited urgent domestic affairs for his visit to USA we grant some extension and direct the State Commission to comply with our order at the earliest and in any case by the end of October, 2017.

(I.J. Kapoor)
Technical Member

(Justice Ranjana P. Desai)
Chairperson

pr/kt