

Before the Appellate Tribunal for Electricity
(Appellate Jurisdiction)

APPEAL No.16 of 2007 &
APPEAL No.93 of 2007 &
I.A. No. 69 of 2007

Dated : November 21, 2007

Present: Hon'ble Mr. Justice Anil Dev Singh, Chairperson
Hon'ble Mr. H.L. Bajaj, Technical Member
RPP Limited ... Appellant (s)

Versus

1. Transmission Corporation of A.P. Ltd.,
Vidyut Soudha, Hyderabad 500082
2. Central Power Distribution Company of A.P. Ltd.,
11-5-423/1/A, First Floor, Singareni Collieries Bhavan,
Lakdi-ka-pul, Hyderabad 506 001
3. Southern Power Distribution Company of A.P. Ltd.,
Upstairs, Hero Honda Showroom, Renigunta Road, Tirupati- 517 501
4. Northern Power Distribution Company of A.P. Ltd.,
1-7-668, Postal Colony, Hanamkonda, Warangal 506 001
5. Eastern Power Distribution Company of A.P. Ltd.,
Sai Shakti, Opp Saraswati Park, Daba Gardens, Visakhapatnam – 530 020
6. Andhra Pradesh Electricity Regulatory Commission,
Singareni Bhavan, Red Hills, Hyderabad. ... Respondent (s)

Counsel for the Appellant (s) : Mr. K. Gopal Choudary
Counsel for the Respondent (s) : Mr. Sanjay Sen with
Ms. Ruchika Rathi for Resps. 1 to 5
Mr. K.V. Mohan for APERC

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... Appellant (s)

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Versus

1. **M/s RPP Limited & Ors.,
1-B, (New No.618), Arora Colony,
Road No.3, Banjara Hills,
Hyderabad**
2. **Andhra Pradesh Electricity Regulatory Commission,
Singareni Bhavan, Red Hills, Hyderabad** ... Respondent (s)

Counsel for the Appellant (s): Mr. Sanjay Sen with Ms. Ruchika Rathi
Counsel for the Respondent (s): Mr. K. Gopal Choudary for Resp.1
Mr. K.V. Mohan for APERC

ORDER

With the consent of the learned counsel for the parties, the following order is passed:

1. In case, the system is not over burdened, the respondent-Transmission & Distribution Companies (for short 'respondent') shall allow the appellant in Appeal No. 16 of 2007 (for short 'appellant'), to sell the electric energy generated by the latter.
2. In case, the respondent does not allow wheeling of energy to any customer of the appellant, due to the system being over burdened and/or the arrangement with the customer being not in accordance with the agreement executed between the appellant and the respondent, the energy whether banked or surplus offered for sale by the appellant to the respondent shall be purchased by the respondent, at the rate to be determined by the Commission, within two months from the date of the application of any of the parties.

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3. While considering the application of the appellant for grant of permission to wheel energy to its customers, the respondent shall keep in view that the generation based on non-conventional source of energy has to be encouraged.
4. The dispute with regard to the balance of banked energy of the appellant with the respondent shall be adjudicated upon by the Commission. Therefore, on this question, the matter is remitted to the Commission for adjudication of the dispute. Accordingly, the appeals are disposed of with the aforesaid directions.

(H.L. Bajaj)
Technical Member

(Anil Dev Singh)
Chairperson

Date: November 21, 2007