



नई दिल्ली  
NEW DELHI

याचिका संख्या./ Petition No. 129/MP/2024

कोरम/ Coram:

श्री जिष्णु बरुआ, अध्यक्ष/Shri Jishnu Barua, Chairperson  
श्री रमेश बाबू वी., सदस्य/Shri Ramesh Babu V., Member  
श्री हरीश दुदानी, सदस्य/Shri Harish Dudani, Member

आदेश दिनांक/ Date of Order: 24<sup>th</sup> of March, 2025

**IN THE MATTER OF:**

Petition Under Section 79, 142 R/W Section 146 And 149 of The Electricity Act, 2003 And Regulation 111 And 119 of the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999 against the Respondent No.1 for Non-Compliance with the Order dated 30.10.2023 passed by the Commission in Petition No. 230/MP/2022.

**IN THE MATTER OF:**

M/s E.I.D. -Parry (India) Ltd.,  
Sankili Village, Regidi Amadalavalsa (M)  
Srikakulam District – 532 440.

...Petitioner/Decree Holder

Versus

- 1. Transmission Corporation of Andhra Pradesh Limited (APTRANSCO),**  
Vidyut Soudha, Gunadala, Eluru Road,  
Vijayawada, Andhra Pradesh 520 004.
- 2. Central Power Distribution Corporation of Andhra Pradesh Limited (APCPDCL),**  
Beside Polytechnic College, ITI Road,  
Vijayawada – 520 008, Krishna District,

Andhra Pradesh.

3. **Southern Power Distribution Company of Andhra Pradesh Limited (APSPDCL),**  
No. 19-13-65/A Srinivasapuram,  
Tiruchanoor Road Tirupati – 517 503  
Chittoor District, Andhra Pradesh.
4. **Northern Power Distribution Company of Andhra Pradesh Limited (APNPDCL),**  
H. No: 2-5-31/2, Vidyut Bhavan, Nakkalagutta,  
Hanamkonda, Warangal district,  
Telangana – 506 001.
5. **Eastern Power Distribution Company of Andhra Pradesh Limited (APEPDCL).**  
C/o 50-27-5/1, TPT Colony,  
Seethammadhara, Visakhapatnam,  
Andhra Pradesh – 530013.
6. **Transmission Corporation of Telangana Limited (TSTRANSCO) Vidyut Soudha,**  
Khairatabad, Hyderabad – 500 082.
7. **Southern Power Distribution Company of Telangana Limited (TSSPDCL)**  
No. 6-1-50, Mint compound,  
Hyderabad – 500 063.
8. **Northern Power Distribution Company of Telangana Limited (TSNPDCL),**  
H. No: 2-5-31/2, Vidyut Bhavan,  
Nakkalagutta, Hanamkonda,  
Warangal district, Telangana – 506 001.

...Respondents

**Parties Present:** Shri Manu Seshadri, Advocate, EIDPIL  
Shri Siddharth Shekhar, Advocate, EIDPIL  
Ms. Pragya Gupta, Advocate, AP Transco  
Shri D. Abhinav Rao, Advocate, Telangana Discoms  
Shri H Raghav, Advocate, Telangana Discoms  
Shri Rahul Jajoo, Advocate, Telangana Discoms

## आदेश/ ORDER

The Petitioner/Decree Holder, M/s E.I.D. -Parry (India) Ltd., is a company engaged in the business of manufacturing sugar and allied products. One of its integrated sugar complexes consists of a sugar, distillery, and bagasse-based 16 MW cogeneration plant located at Sankili Village, Regidi Ambudalavalasa Mandal in Andhra Pradesh. The Petitioner commissioned the project on 15.08.2001. M/s Transmission Corporation of Andhra Pradesh Limited (APTRANSCO/Respondent No. 1), being the holding company of distribution companies of Andhra Pradesh, purchased bulk power from the generating companies and allotted the same to its subsidiary distribution companies. The Petitioner is seeking enforcement/ execution/ implementation of the final order dated 30.10.2023 passed by this Commission in Petition No. 230/MP/2022 and seeking consequential directions to APTRANSCO to ensure that the Petitioner's dues are settled forthwith in a time-bound manner. The Petitioner is seeking directions against APTRANSCO to pay/release the decretal amount of INR 4,28,23,048/- along with 10% interest accrued from 01.04.2004.

2. The Petitioner has made the following prayers:
  - a) *Direct the Respondent No. 1, APTRANSCO to comply with the order dated 30.10.2023 and to forthwith pay the Petitioner the arrear amount of INR 11,71,21,887/- along with future interest till date of payment;*
  - b) *Pass an order directing the Respondent No.1, APTRANSCO to file an affidavit furnishing a list of its assets pending disposal of the Petition;*
  - c) *Pass an order of attachment, attaching to the extent of INR 11,71,21,887/- from the bank account(s) belonging to the Respondent No.1, which are mentioned in Annexure EP-5 pending disposal of the Petition;*
  - d) *Pass such further or other orders as it may deem fit and proper in the facts and circumstances of the case.*
3. During the hearing held on **22.02.2025**, the Respondent, AP Transco, submitted that it has already made the payment of the outstanding amount(s) in terms of the order dated 19.12.2024 passed by the APTEL in IA No. 392/2024. The Respondent, AP Transco, submitted that in a meeting held between the parties, it was pointed out that an amount of approximately Rs. 83.88 lakh was already paid to the Petitioner for the years 2004-05 and 2006-07 and, as a result, the outstanding principal

amount was reduced to this effect, which was also agreed to by the Petitioner in its letter dated 27.01.2025. Accordingly, the Respondent has made the payment of the balance outstanding principal amount of Rs. 344.34 lakh to the Petitioner. The Respondent has also deposited the interest component with the registry of the Commission as per the direction of the APTEL.

4. After hearing the learned counsel for the parties, the Commission directed the Respondent, AP Transco, to file its compliance affidavit within a week. The Commission also directed the Petitioner to confirm the receipt of the outstanding principal amount on an affidavit within a week.
5. We observe that the Commission vide Order dated 30.10.2023 in Petition No. 230/MP/2022 was held as under:

*57. From the above, we observe that the bifurcation of liabilities and assets between the two States viz. Andhra Pradesh and Telangana had taken effect on 02.06.2014 (the appointed day), and that the legislation does not have a retrospective effect. Section 53 (2) of the Act stipulates that the assets and liabilities shall be transferred in physical form on mutual agreement or by making payment or adjustment through any other mode as may be agreed to by the successor States. We note that as per the Twelfth Schedule of the Andhra Pradesh Reorganization Act, 2014, the power of only Central Generating Stations were allotted to the State of Telangana and the State of Andhra Pradesh based on the actual energy consumption of the last 5 years of the relevant DISCOMS viz. TSSPDCL.*

*58. In the instant case, we note that the Petitioner and the Respondents No. 6 to 8 have categorically mentioned that under the PPAs under the third transfer scheme in the year 2005, the Project was allocated exclusively to Andhra Pradesh Eastern Power Distribution Company Limited (APEPDCL) by virtue of its geographical location. The Power generated by the Petitioner was supplied only to APEPDCL and therefore the payment liability, if any, solely rests on APEPDCL.*

*59. In view of the above, we are of the view that that since the plant located in Andhra Pradesh is under the jurisdiction of APEPDCL, the withheld amounts if any shall be recovered from APEPDCL alone. Therefore, liability if any is identifiable with APEPDCL belonging to the residual State of Andhra Pradesh. In view of the above, we hold that the payment liability of the Arrear Amount lies solely with APTRANSCO. As such APTRANSCO is directed to pay the arrear amount (after verifying the same from the relevant authorities) on account of truing up of fixed cost for the said years 2004-05, 2005-06, 2006-07 and 2009-10, along with interest @10% p.a. from the date of disallowance to the date of reimbursement.*

*60. The Petition no. 230/MP/2022 is disposed of in terms of the above.*

6. We observe that APTEL vide its Order dated 19.12.2024 in APL No. 331 OF 2024 & IA No. 392 of 2024 held as under:

*While we see no reason to stay the order passed by the CERC, the interests of the Appellant would be adequately safeguarded, by directing them to pay the principal amount to the 1st Respondent within four weeks from today. **The interest component of the impugned order***

*shall be discharged by the Appellant, by depositing the said amount with the CERC within four weeks from today. The CERC shall keep the amounts so received in an interest bearing Fixed Deposit to be renewed annually pending disposal of the main Appeal. Both the principal and interest, so paid/ deposited, shall be subject to the result of the main appeal.*

7. In compliance with the ROP dated 25.02.2025, the Respondent filed the required affidavit on 20.02.2025, and the Petitioner filed the affidavit on 10.03.2025.
8. Vide Affidavit dated 25.02.2025, the Respondent has submitted that in compliance with the directions of the Order dated 21.01.2025 of Appellate Tribunal for Electricity (APTEL) and Order dated 30.10.2023 of this Commission, it has made the payment of principal amount of Rs. 3,44,05,121/- (Rupees three crore forty-four lakh five thousand one hundred twenty-one) to the Petitioner and further have also made a payment of interest component of Rs. 5,71,61,760/- (Five crore seventy-one lakh sixty-one thousand seven hundred sixty only) to this Commission as under:
  - (a) Payment of principal amount through NEFT Transaction Ref. No 10130459438 dated 18.02.2025.
  - (b) Payment of interest component to CERC through NEFT transfer with UTR No. SBIN125050917339.CERC Registry has acknowledged the receipt of payment of interest component vide their receipt no. 46 dated 19.02.2025 and email dated 20.02.2025.
9. Vide Affidavit dated 10.03.2025, the Petitioner has submitted that *on 19.02.2025, the Andhra Pradesh Power Co-ordination Committee (APPCC) issued a letter to the Petitioner stating that on 18.02.2025, APPCC has remitted the amount of INR 3,44,05,121/- (after deducting TDS) as against the whole amount of INR 3,44,34,556/- agreed between the APPCC and the Petitioner towards the balance outstanding principal amount in terms of the Order of this Commission dated 30.10.2023. The Petitioner has confirmed that the above-mentioned amount has been deposited by APTRANSCO to the Petitioner's Bank Account towards the outstanding principal amount in terms of the Order dated 21.02.2025 passed by this Commission in the present Petition.*
10. As per above, we observe that the Respondent APTRANSCO has already complied with the directions passed in the Order dated 21.01.2025 of APTEL and Order dated 30.10.2023 of this Commission. As such, we find no reason to initiate proceedings against APTRANSCO under section 142 of the Electricity Act, 2003. We further direct the staff to keep the amount so received in an

interest-bearing Fixed Deposit (with the Nationalized Bank) to be renewed annually pending disposal of the main Appeal.

11. The Petition No. 129/MP/2024 is disposed of in terms of the above.

Sd/-  
हरीश दुदानी  
सदस्य

Sd/-  
रमेश बाबू वी.  
सदस्य

Sd/-  
जिष्णु बरुआ  
अध्यक्ष