



ANDHRA PRADESH ELECTRICITY REGULATORY COMMISSION

4thFloor, Singareni Bhavan, Red Hills, Hyderabad 500004

WEDNESDAY, THE TWENTIETH DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY THREE

:Present:

Justice C.V. Nagarjuna Reddy, Chairman
Sri Thakur Rama Singh, Member
Sri P.V.R.Reddy, Member

O.P.No.1 of 2023

Between:

Aurobindo Pharma Limited (APL)
Galaxy, Floors: 22-24. Plot No. 1, Survey No.83/1,
Hyderabad Knowledge City,
Raidurg Panmaktha, Ranga Reddy District,
Hyderabad-500032, Telangana, India.

...Petitioner

And:

1. Andhra Pradesh Transmission Corporation Limited,
Rep. by its Chairman & Managing Director,
Vidyut Soudha, Gunadala, Vijayawada-520004
2. The APEPDCL, P&T Colony, Seethammadhara,
Visakhapatnam - 530 013, Represented by its
Chairman and Managing Director.
3. The Chief Engineer,
Grid Operation, APSLDC, Vidyut Soudha,
Gunadala, Vijayawada- 520004.

...Respondents

This Original Petition has come up for hearing before us today in the presence of Sri N.V.Sumanth, learned counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the respondents; that after carefully considering the material available on record and after hearing the arguments of the learned counsel for both the parties, the Commission passed the following:

ORDER

This Original Petition is filed questioning the action of the respondents in not reducing the Contracted Demand in terms of Clause 8.5 of APERC (Interim Balancing and Settlement Code) Regulation, 2006 (Amended Regulation No.2 of 2016).

We have heard Sri N.V.Sumanth, learned counsel for the petitioner, and Sri P.Shiva Rao, learned Standing counsel for the respondents.

At the hearing, Sri N.V.Sumanth, learned counsel for the petitioner, submitted that though there is an obligation on the part of the respondents to reduce the Contracted Demand to the extent of the petitioner's captive generation capacity, the respondents have not given the benefit of reduction for a period of five years from the date of commissioning of the plant i.e., from 29-9-2017.

Sri P.Shiva Rao, learned Standing Counsel for the respondents, while submitting that, as per the Regulation, the petitioner shall seek availment of reduction of Contracted Demand, but it has not requested the respondents to permit such availment almost till the end of five years; and that, therefore, the respondents have not committed any illegality in not reducing the CMD. The learned Standing Counsel further submitted that the dispute raised by the petitioner pertains to supply of electricity by respondent No.2, which is a licensee; and that the petitioner has raised this dispute in the status of a

“consumer” and not as a “generating company”, and, consequently, it falls outside the dispute between a “licensee and generating company”.

In the view we are proposing to take, it is not necessary to decide the O.P. on merits. Section 86 of the Electricity Act, 2003 (for short “the Act”) envisages the “Functions of State Commission”. Under Section 86(1)(f) the function of the State Commission is to “adjudicate upon the disputes between the licensees and the generating companies” only. It is not the function of the Commission to adjudicate upon the disputes between the licensees and the consumers. It is not disputed, and, indeed, it cannot be disputed, that the petitioner has raised the present dispute before the Commission as a “consumer” of respondent No.2 and not as a “generating company”, since such dispute has arisen in the course of supply of power by respondent No.2 to the petitioner as a “consumer”. As this Commission is not vested with the power to adjudicate the present dispute, as raised before this Commission, we cannot decide the OP on merits. If the petitioner feels aggrieved by the respondents’ action, it can avail its remedies by approaching the Fora - CGRF and Ombudsman - as constituted under sub-Sections (5) and (6) of Section 42 of the Act, respectively.

Subject to the liberty given as above, the OP is disposed of.

Sd/-
P.V.R. Reddy
Member

Sd/-
Justice C.V. Nagarjuna Reddy
Chairman

Sd/-
Thakur Rama Singh
Member