



ANDHRA PRADESH ELECTRICITY REGULATORY COMMISSION

Vidyut Niyantana Bhavan, Adjacent to 220/132/33/11 KV AP Carbides
Sub-Station, Dinnedavarapadu Road, Kurnool-518002, Andhra Pradesh

WEDNESDAY, THE SEVENTH DAY OF AUGUST,
TWO THOUSAND AND TWENTY FOUR

:Present:

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

O.P.No. 4 of 2024

Between:

M/s Vuddanda Solar Power Private Limited
Registered Office at Hotel Bliss, No. 45,
Renigunta Road, Near Ramanuja Circle
Tirupati -517 501.

... Petitioner.

AND

Southern Power Distribution Company of Andhra Pradesh Ltd. (APSPDCL)
Rep. by its Chairman and Managing Director
19-13-65/A, Srinivasa Puram
Tiruchanoor Road, Tirupati - 517 503.

.. Respondent

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

ORDER

This OP is filed inter alia for declaring the levy and demand of Cross Subsidy Surcharge (CSS) on the petitioner for the period April '2021 to March

'2022 vide Lr.No.CGM(R&IA)/AO/AAO-HT/JAO-HT/D.No.223/23, dated 10-11-2023 as arbitrary and illegal. The petitioner also sought for setting aside the demand for the Cross Subsidy Surcharge (CSS) on it vide Lr.No.CGM (R&IA) /AO/AAO-HT/JAO-HT/D.No.223/23, dated 10-11-2023.

We have heard Sri Shreyas Reddy, counsel representing Sri N.V.Sumanth, learned counsel for the Petitioner; and Sri G.V.Brahmananda Rao, counsel representing Sri P.Shiva Rao, learned Standing Counsel for the respondents. The necessity of adjudicating this OP on merits is obviated for the reason for the two previous years, i.e. FY 2019-20 & FY 2020-21; the petitioner has approached the Hon'ble High Court of A.P. by filing a writ petition. Admittedly, the said writ petition is pending and an interim suspension therein was granted. As the petitioner has already availed a remedy before the Hon'ble High Court, raising identical pleadings in the writ petition for the previous years, we are of the opinion that to avoid conflicting decisions, it is appropriate for the petitioner to avail the remedy of writ petition also for the years for which the present OP is filed. Accordingly, this OP is closed without adjudicating on merits with liberty to the petitioner to avail the remedy of writ petition for reliefs claimed in this OP.

Order pronounced on this the 7th day of August, 2024.

Sd/-
P.V.R.Reddy
Member

Sd/-
Justice C.V. Nagarjuna Reddy
Chairman

Sd/-
Thakur Rama Singh
Member