



ANDHRA PRADESH ELECTRICITY REGULATORY COMMISSION
4thFloor, Singareni Bhavan, Red Hills, Hyderabad 500004
(CAMP COURT AT VISAKHAPATNAM)

SATURDAY, THE THIRTIETH DAY OF DECEMBER
TWO THOUSAND AND TWENTY THREE

:Present:

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

ORIGINAL PETITION NO.2 of 2023

Between:

M/s. Rain CII Carbon (Vizag) Limited,
Rain Center, 34, Srinagar Colony,
Hyderabad- 500 073 and plant at
Scindia Road, Naval base Post,
Vishakaptanam, rep. by its Authorised
Signatory CH. Krishna Prasad,
S/o.Late C. Madhava Rao, aged about 62 years,
residing at Hyderabad.

....Petitioner

And:

Eastern Power Distribution Company of Andhra Pradesh Limited,
Rep. by its Chief General Manager, Comml. & RA,
Corporate Office, P & T Colony, Seethammadhara,
Visakhapatnam-530013

...Respondents

This Original Petition has come up for hearing before us today, in the Camp Court at Visakhapatnam, in the presence of Sri S.Vivek Chandra Sekhar, learned counsel for the petitioner; and Sri P.Shiva Rao, learned Standing counsel for the respondent; that after hearing the learned counsel for the parties, and on consideration of the material on record, the Commission made the following:

ORDER

This OP is filed assailing the action of the respondent in levying Grid Support Charges (GSC) on the petitioner as illegal and arbitrary. The petitioner also sought for a consequential direction to the respondent not to levy GSC for the FY 2002-03 to FY 2008-09 as demanded under Lr.No.SE/0/VSP/SAO/AAO/JAO/HT/D.No.I/309744/2020, dated 22.12.2020; Lr.No.SE/0/VSP/SAO/JAO/U2/HT/D.No.278/20, dated 02.2021; Lr.No.SE/O/VSP/SAO/SAO/JAO/U2/HT/D.NO/20, dt. 28.04.2021; Lr.No.SE/0/VSP/SAO/AAO(HT)/JAO(HT)/SA-II/F.No./D.No.I431/2021 dated 10.08.2021; Lr.No.SE/O/VSP/SAO/AAO(HT)/JAO(HT)/SAII/F.No./D.No.306 /2022, dated 18.02.2022 and Lr.No.SAO/O/VSP/AAO(HT)/JAO(HT)/SA-II/ F.No/D.No.I53/ 2023, dated 21.01.2023.

The respondent filed a detailed counter-affidavit and the petitioner has filed a rejoinder.

During the pendency of this petition, the Appellate Tribunal for Electricity (APTEL) has disposed of Appeal Nos.228 of 2022 and 391 of 2023 filed by the petitioner herein against the Retail Supply Tariff Order (RSTO) dated 30-3-2022 passed by this Commission in OP Nos.122 and 123 of 2021 levying GSC on the petitioner's integrated waste heat recovery based co-generating power plants owned by its Unit located in

Special Economic Zone of Andhra Pradesh. In the said order, the APTEL has held that “levy of GSC on the appellant’s non-captive power plant shall be limited to only the power consumed by the co-located load”, meaning thereby, that the non-captive power supplied to third parties is not liable for levy of GSC.

Sri P. Shiva Rao, learned Standing Counsel for the respondent-Discom, fairly conceded that the ratio laid down in the said Appeals applies to the present case as well because the dispute raised in both the cases is identical, except the difference being that the period for which levy is made is different.

In para 4 of the pleadings of the petitioner it has been stated that around 1% (350 KW) is being used for the petitioner’s own consumption. Thus, except to the extent of the petitioner’s own consumption, the petitioner is not liable to pay GSC in respect of the balance power generated and injected into the grid. In respect of the power to the extent of captive consumption, as per the Judgement (supra), the petitioner is liable to pay GSC.

Accordingly, the OP is partly allowed to the extent that levy of GSC on the power generated from the co-located generating unit and not consumed for captive purposes is not sustainable and the same is,

accordingly, set aside. However, in respect of the power, which is consumed for the petitioner's own use, it is liable to pay GSC. The respondent shall calculate the liability to that extent and refund the balance amount paid in pursuance of the interim order passed by this Commission, within one month from the date of receipt of this order.

Sd/-
P.V.R.Reddy
Member

Sd/-
Justice C.V. Nagarjuna Reddy
Chairman

Sd/-
Thakur Rama Singh
Member

