



ANDHRA PRADESH ELECTRICITY REGULATORY COMMISSION

4thFloor, Singareni Bhavan, Red Hills, Hyderabad 500004

WEDNESDAY, THE TWENTY EIGHTH DAY OF APRIL
TWO THOUSAND AND TWENTY ONE

:Present:

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

O.P.No.6 of 2020

Between :

Spectrum Power Generation Limited
MCH No.6-3-1093, Space No.602,
6th Floor, VV Vintage Boulevard,
Raj Bhavan Road, Somajiguda,
Hyderabad-500082.

.. Petitioner

And

1. Southern Power Distribution Company of
Andhra Pradesh Ltd., D.No.19-13-65/A,
Tiruchanoor Road, Behind Srinivasa
Kalyana Mandapam, Kesavayani Gunta,
Tirupathi, Chittoor District,
Andhra Pradesh-517501.
2. Eastern Power Distribution Company of
Andhra Pradesh Ltd., Corporate Office
P & T Colony, Seethammadhara,
Visakhapatnam, Andhra Pradesh-500013.
3. Transmission Corporation of Andhra Pradesh Ltd.,
48-12-16, Vidyut Soudha, Gunadala, Vijayawada,
Krishna District, Andhra Pradesh-520004.

.. Respondents

This Original Petition has come up for hearing finally on 28-04-2021 in the presence of Ms. Kaisina Prabhabati, learned Counsel representing Sri S. Ravi, Senior Counsel for the petitioner, and Sri. G.V. Brahmananda Rao, learned Counsel representing Sri P. Shiva Rao, learned Standing Counsel for the respondents and after hearing the arguments of the learned Counsel for both the parties, the Commission passed the following :

ORDER:

This Original Petition is filed for the following relief:

“..... to declare the action of the respondents in unilaterally deducting a rebate amount of 2.5% on the gross amounts of the monthly energy bills submitted by the petitioner as being illegal and consequently direct the respondents to pay the petitioner-company the amounts of rebate availed from the monthly energy bills for the years 2016-17, 2017-18, 2018-19 and 2019-20 (till October 2019) along with applicable interest till the date of payment ...”

The respondent filed a counter affidavit wherein several pleas have been taken including the one relating to the claims being partially barred by limitation. Thereafter, both the parties have filed their respective Memos. As per the final Memo submitted by the petitioner, a sum of Rs.12,12,76,456/- is refundable to the petitioner by respondent Nos. 1 & 2. However, on behalf of respondents Nos.1 & 2 a further Memo was

filed wherein out of the afore-mentioned amount, a sum of Rs.90,93,478/- is disputed.

At the hearing Ms. Kaisina Prabhathi, learned Counsel representing Sri S. Ravi, learned Senior Counsel for the petitioner, conceded that the objection of respondent Nos. 1 & 2 in respect of Rs.90,93,478/- is correct and that the same may be deducted from the sum of Rs.12,12,76,456/- and that the balance amount of Rs.11,21,82,980/- is payable by respondent Nos.1 & 2. Sri. G.V. Brahmananda Rao, learned Counsel representing Sri P. Shiva Rao, learned Standing Counsel for the respondents, has not disputed this submission.

In the light of the above, respondent Nos.1 & 2 are directed to refund the aforementioned amount to the petitioner in proportion to their respective liabilities within three months from today.

The O.P. is accordingly allowed in part.

Sd/-
Thakur Rama Singh
Member

Sd/-
Justice C.V. Nagarjuna Reddy
Chairman

Sd/-
P. Rajagopal Reddy
Member