

BEFORE THE FORUM
FOR REDRESSAL OF CONSUMER GRIEVANCES
IN SOUTHERN POWER DISTRIBUTION COMPANY OF A.P LIMITED TIRUPATI
On this the 19th day of March 2019

C.G.No:335/2018-19/Tirupati Circle

Present

Sri. A. Jagadeesh Chandra Rao
Sri. A. Sreenivasulu Reddy
Sri. D. Subba Rao
Sri. Dr. R. Surendra Kumar

Chairperson
Member (Finance)
Member (Technical)
Independent Member

Between

M/s. Vuddanda Solar Power Pvt Ltd.,
Hotel Bliss, No.45,
Renigunta Road,
Near Ramanujam Circle,
Tirupati.

Complainant

AND

1. Chief General Manager/ Projects & IPC/Tirupati

Respondents

ORDER

1. Complainant presented a complaint stating that they are supplying power to various HT Category – II consumers under short term till date. Their existing short-term Open Access approval was expired on 30.10.2018. They have applied for feasibility for extension of short term open access from 01.11.2018 to 31.10.2019. The final feasibility is not given by the CGM/ P& MM /IPC. As a result they are losing 20000 units per day. Hence the complaint.
2. Complainant presented this complaint before the Hon'ble APERC. Hon'ble APERC forwarded this complaint to this Forum for adjudication. Notice was issued to CGM/Projects & IPC and they sent a letter stating that the complainant had already filed a writ petition before the Hon'ble High Court of A.P. with same request and it is pending for orders.
3. There after a notice was sent to both parties to appear before the Forum on 05.02.2019. Both the parties did not appear before the Forum for personal hearing. But respondents submitted a Photostat copy of the case details of Writ Petition No.42565/2018. The case details shows that M/s. Vuddanda Solar Power Pvt. Ltd., i.e.

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d/c **DESPATCHED**
DATE 25/3/19

“To issue a writ order or direction more particularly one in the nature of Writ Mandamus declaring the action of the respondents in failure to take steps to issue feasibility certificate and failure to enter into an Open Access agreement pursuant to the application made on 05.07.2018 and reminders on 04.08.2018, 04.9.2018, 29.10.2018 and 08.11.2018 as illegal and also in contravention of A.P. Electricity Regulatory Commission Terms and Conditions of Open Access Regulation 2005 and amended Regulation.1of 2016 and also contravention of G.O. Ms No.8 dt: 12.2.2005 to declare that the petitioner’s application is deemed to have been approved in terms of A.P. Electricity Regulatory Commission Terms and Conditions of Open Access 1st amendment Regulation.2016 under Amendment to Para.10.6 of the principal regulation by directing the 3rd and 4th respondents to enter into an agreement with the petitioner for open access to its consumers as detailed in the letter dt: 05.07.2018 and consequently direct the respondents 3 and 4 to enter into an agreement with effect from 1.11.2018 in terms of A. P. Electricity Regulatory Commission terms and conditions of open access Regulation 2005 and pass.....”

APSPDCL represented by its CMD and CGM P &MM and IPC /APSPDCL are arrayed as 3rd and 4th respondents in the above said writ petition. The prayer made by the complainant in this complaint and prayer made by the complainant in the writ petition are one and the same.

As per Para 10.2 of Reg. 03/2016 *“The Forum may reject the complaint at any stage under the following circumstances:*

a) In cases where proceedings in respect of the same matter and between the same complainant and the Licensee are pending before any court, tribunal, arbitrator or any other authority, or a decree or award or a final order has already been passed by any such court, tribunal, arbitrator or authority”.

4. Hence in view of the above, this Forum is not competent to entertain the complaint as complainant filed a writ petition before the Hon’ble High Court of A.P in respect of the same matter against the same parties and is pending. The complaint is not maintainable before the Forum.

5. In the result the complaint is rejected.

