



ANDHRA PRADESH ELECTRICITY REGULATORY COMMISSION

Vidyut Niyantana Bhavan, Dinnedevarapadu Road, Kurnool - 518 002, Andhra Pradesh

**TUESDAY, THE EIGHTEENTH DAY OF FEBRUARY,
TWO THOUSAND AND TWENTY FIVE
(18-02-2025)**

:Present:

**Sri Thakur Rama Singh, Member/Chairman I/c.
Sri P.V.R.Reddy, Member**

O.P.No.5 of 2025

Between:

M/s Lyfius Pharma Private Limited,
Registered office at Unit 14, JN Pharma City, Plot No.17,
R.No.10,11 & 19, 20, E Bonangi Village, Visakhapatnam - 53021,
Andhra Pradesh.
Unit at Sy.Nos.350. 351,353. 354-358, 361 -375, 380-382
At A.V.Nagaram Village, Thondangi Mandal,Kakinada District,
Represented by its Authorized Signatory Mr.Varanasi Praveen Krishna.
... Petitioner

And:

1. The Andhra Pradesh Eastern Power Distribution Company Limited,
(APEPDCL), P&T Colony. Seethammadhara, Visakhapatnam-530 013,
Represented by its Chairman and Managing Director.
2. Superintending Engineer, Operation Circle, Rajamahendravaram,
APEPDCL, Vidyut Bhavan, Ullithota Street, Godavari Bund,
Rajamahendravaram - 533101.
3. Transmission Corporation of Andhra Pradesh (APTRANSCO)
SLDC Block, 4th Floor, Vidyut Soudha, Gunadala,Vijayawada - 520 004,
represented by its Chairman and Managing Director.
...Respondents

This Original Petition has come up for hearing on admission before us today in the presence of Sri SriCharan Telaprolu, learned Counsel for the Petitioner; and Sri G.V.Brahmananda Rao, counsel representing Sri P.Shiva Rao, learned Standing Counsel for the respondents, that upon consideration of the material on record and the submission made on behalf of the learned counsel for the parties, this Commission passed the following:

ORDER

1. This Original Petition is filed questioning the action of the respondents 1 and 2 in levying Additional Charges (double the normal charges) for Recorded Maximum Demand (RMD) exceeding the Contracted Maximum Demand (CMD) in respect of the Petitioner's HT Service Connection No.RJY-1906 to the tune of Rs.4,25,03,230-60 ps in the monthly electricity consumption bills issued to the petitioner for the months of May, 2024 to September, 2024.

2. On a perusal of the averments in the petition, we are of the considered view that the dispute involved in the matter is between the petitioner as "a Consumer" and the respondent No.1 as a "Licensee" in the course of supply of power by the Licensee and levying of Additional Charges (double the normal charges) for RMD exceeding the CMD (as per condition No. 6.6 of the General Conditions for HT Supply at Chapter X of the Retail Supply Tariff Order for FY 2024-25 dt. 11-03-2024).

3. Section 86 of the Electricity Act, 2003 (for short "the Act") envisages the "Functions of State Commission". Under Section 86(1)(f) of the Act, the function of the State Commission is to "adjudicate upon the disputes between the Licensees and the Generating Companies" only. From the averments of the petition it is clear that the petitioner has raised the present dispute before the Commission as a "Consumer" of respondent No.1 and not as a "Generating Company", since such dispute has arisen in the course of supply

of power by respondent No.1 to the petitioner as a “Consumer” and levying of additional charges exceeding the CMD. As this Commission is not vested with the power to adjudicate the dispute raised in the present petition, we cannot decide the OP on merits. The aforesaid view of ours is fortified by the decision of this Commission in the ***Aurobindo Pharma Limited (APL) Vs. Andhra Pradesh Transmission Corporation Limited and two others***¹.

4. Following the aforesaid decision, this Original Petition is dismissed, *ab initio*, at the stage of admission. If the petitioner feels aggrieved by the action of the respondents 1 and 2, can avail its remedies by approaching the Fora i.e., CGRF/Vidyt Ombudsman for redressal of its grievance. As a sequel to dismissal of the Original Petition, IA No.1 of 2025 file for interim stay is also dismissed.

Order pronounced on this the 18th day of February, 2025.

Sd/-
P.V.R.Reddy
Member

Sd/-
Thakur Rama Singh
Member/Chairman I/c.

¹ ***Order dated 23-9-2023 of this Commission in OP No.1 of 2023.***