

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(SPECIAL ORIGINAL JURISDICTION)



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

:PRESENT:

THE HONOURABLE SRI JUSTICE NINALA JAYASURYA

WRIT PETITION NO: 3111 OF 2024

Between:

Sri Bhavani Hi-Tech Rice Mill, 4-1-158, O.G.Kuppam Road, Keelapattu, Rep.
by its Proprietor, M. J. Murali Krishna, S/o. M.V. Janardhanam, aged about 45
years, Occ: Business, Keelapattu, Nagari-517 590, Chittoor District.

Petitioner

AND

1. The State of Andhra Pradesh, Rep. by its Prl. Secretary, Energy Department, Secretariat, Velagapudi, Amaravathi, Guntur District.
2. The Andhra Pradesh Southern Power Distribution Corporation Limited, APSPDCL, Rep. by its Chairman & Managing Director, Srinivasapuram, Tiruchanur Road, Tirupati, Tirupati District
3. The Superintending Engineer, APSPDCL, Tirupati, Tirupati District.

Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue an appropriate Writ, Order or direction more particularly one in the nature of "Writ of Mandamus"

(a) Declaring that the impugned notification in G.O.Ms. No.7, Energy Power - III Department, dt.08.04.2022, levying electricity duty at Rs.1/- per unit on the energy sales to commercial and industrial consumers alone is vitiated by colorable exercise of the power, gross overreach and interference with the Statutory policy notifications of the Central Government and the exclusive Statutory power and function of the State Electricity Regulatory Commission under law enacted by Parliament, illegal, arbitrariness, irrationality, unreasonableness, hostile discrimination and in violation of Articles 14 and 19(1)(g) of the Constitution, and to set aside the said notification and

(b) Declaring that the consequential action of the 2nd respondent in levying and collection Electricity duty on the petitioners in the HT bills from the month of may, 2022 without previous sanction from the State Government under Section 7 (1) of the Electricity Duty Act, 1939 as illegal, arbitrary and unauthorized, and to set aside the demands; and

c) Directing the respondents to consequently to refund the amounts collected towards Electricity Duty in terms of the impugned notification and to pass such other and further orders that may be deemed fit and proper in the circumstances of the case.

IA NO: 1 OF 2024

Petition under Section 151 CPC is filed praying that in the circumstances stated in the grounds filed in support of the petition, the High Court may be pleased to Stay the operation of the impugned notification in G.O.Ms.No.7, Energy (Power-III) Department, dated 08.04.2022 and/or restrain the 2nd & 3rd respondents from levying, collecting any amount towards Electricity Duty in terms of impugned notification and/or taking any coercive steps against the petitioner, Pending disposal of WP 3111 of 2024, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of Sri S V MUNI REDDY, Advocate for the Petitioner, GP FOR ENERGY for the Respondent No.1 and of Sri V.R.Reddy Kovvuri, Standing Counsel for respondent Nos.2&3, the Court made the following;

ORDER:

“Heard Mr.S.V.Muni Reddy, learned counsel for the petitioner.

Learned Government Pleader for Energy takes notice on behalf of respondent No.1 and Mr.V.R. Reddy Kovvuri, learned Standing Counsel for APSPDCL takes notice on behalf of respondent Nos.2 & 3.

At their request, for filing counters, list the matter on 04.3.2024.

Considering the submissions made and perusing the order of the Hon'ble Division Bench in Writ Petition No.29987 of 2023, dated 21.11.2023, there shall be a direction to the respondents not to take any coercive action, including disconnection of the power supply subject to the petitioner paying electricity duty @ Rs.0.06 paise per KWh.”

**Sd/- K. J. RAJA BABU
ASSISTANT REGISTRAR**

//TRUE COPY//

For SECTION OFFICER

To,

1. The Prl. Secretary, Energy Department, Secretariat, Velagapudi, Amaravathi, Guntur District, State of Andhra Pradesh.
2. The Chairman & Managing Director, Andhra Pradesh Southern Power Distribution Corporation Limited, APSPDCL, Srinivasapuram, Tiruchanur Road, Tirupati, Tirupati District.
3. The Superintending Engineer, APSPDCL, Tirupati, Tirupati District. (Addressee Nos. 1 to 3 by RPAD)
4. One CC to SRI. S V MUNI REDDY Advocate [OPUC]
5. Two CCs to GP FOR ENERGY, High Court of Andhra Pradesh. [OUT]
6. One CC to Sri V.R REDDY KOVVURI, STANDING COUNSEL [OPUC]
7. One spare copy

HIGH COURT

NJS,J

DATED:07/02/2024

LIST THE MATTER ON 04.3.2024

ORDER

WP.No.3111 of 2024

DIRECTION

