

IN THE HIGH COURT OF ANDHRA PRADESH :: AMARAVATI
WRIT PETITION No.6251 of 2026
PROCEEDING SHEET

Sl. No.	DATE	ORDER	OFFICE NOTE
1.	06.3.2026	<u>NJS, J</u> <u>W.P. No.6251 of 2026</u> Heard learned counsel for the petitioner. Mr.V.V.Satish, learned Standing Counsel for the A.P.E.P.D.C.L., takes notice on behalf of the respondent No.1. Registry to print the name of the Government Pleader for Energy for the respondent No.3. Issue notice to the respondent No.2. The learned counsel for the petitioner is permitted to take out personal notice on the respondent No.2 and file proof of service in the Registry, by the date of next adjournment. List the matter on 06.4.2026. <u>I.A. No.1 of 2026</u> Heard Mr.Abhishek, learned counsel for the petitioner, appearing through online. Also heard Mr.V.V.Satish, learned Standing Counsel for the A.P.E.P.D.C.L., representing the respondent No.1. The learned counsel for the petitioner made submissions with reference to various grounds raised in the writ petition. Referring to the Corporate Plan as approved by the National Company Law Tribunal, Hyderabad (NCLT) vide orders dated 10.6.2024 and the relevant portion of reliefs and concessions granted in the Corporate Plan, learned counsel submits that before approval of the Corporate Plan, the	

		A.P.E.P.D.C.L., / respondent No.1 has not made any claim towards wheeling charges and when once the Corporate Plan is approved, all claims not forming part of the Corporate Plan shall stand extinguished and cannot be enforced. The learned counsel also placed reliance on the decision of the Three Member Bench of the Hon'ble Supreme Court in Ghanashyam Mishra & Sons (P) Ltd. v. Edelweiss Asset Reconstruction Co. Ltd., (2021) 9 SCC 657. He further submits that unless the impugned demand is stayed, pending disposal of the writ petition, the patients in the Hospital at large would suffer great hardship and the petitioner would suffer serious prejudice and irreparable loss. Mr.V.V.Satish, learned counsel, on the other hand, submits that by virtue of the orders of the Hon'ble Supreme Court, the A.P.E.P.D.C.L., is entitled to collect the wheeling charges. In fact, pursuant to a communication addressed to the Resolution Professional, the respondent No.1 received a communication dated 23.6.2020 to the effect that the matter would be placed before the Committee of Creditors (CoC) and a detailed response would be issued at the earliest. The learned counsel submits that in similar circumstances where true up charges were sought to be recovered from one of the Industries, the High Court of Calcutta upheld the action of the Distribution Company and against the said orders, the Industry approached the Hon'ble Supreme Court and Civil Appeal Diary No.60616 of 2025 is pending adjudication. He also submits that in fact, the petitioner has remedy under	
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		Section 60(5) of the Insolvency and Bankruptcy Code, 2016 (IBC). Making the said submissions, he opposes granting of interim orders. It is not in dispute that the NCLT approved the Corporate Plan vide order dated 10.6.2024 and further that as per the reliefs under Para 'L(4)', payment of dues particularly electricity dues were exempted from payment unless valid claims have been filed by the Statutory Authorities during the Corporate Insolvency Resolution Process (CIRP) period. Though from the submissions made by the learned counsel for the respondent No.1 / A.P.E.P.D.C.L., it is noted that the claim with regard to the electricity dues have been brought to the notice of the Resolution Professional, it appears that the A.P.E.P.D.C.L., has not pursued the matter further and as pointed out by the learned counsel for the petitioner in reply, if such a claim is not considered, the A.P.E.P.D.C.L., could have availed the remedy under IBC. Be that as it may. Considering the submissions made, as the matter requires detailed examination in the light of the judgment relied on by the learned counsel for the petitioner, having been satisfied that a <i>prima facie</i> case is made out and balance of convenience is in favour of the petitioner, this Court is inclined to grant interim relief. Accordingly, there shall be interim stay, as prayed for. <i>vasu</i>	
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NJS, J