

[3209]

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

FRIDAY, THE SIXTH DAY OF MARCH

TWO THOUSAND AND TWENTY SIX

:PRESENT:

THE HONOURABLE SRI JUSTICE NINALA JAYASURYA

IA NO.1 OF 2026

IN

WRIT PETITION NO: 6251 OF 2026

Between:

MGM Healthcare Private Limited, Represented by its Authorized Signatory
Having branch at MGM Seven Hills Hospital, 11-4-4/A, Rckdale Layout,
Waltair Main Road, Visakhapatnam, Andhra Pradesh 530 002.

... Petitioner

AND

1. The Superintending Engineer, Operation Circle APEPDCL,
Visakhapatnam, Eastern Power Distribution Company Of A.P. Ltd.
2. Seven Hills Healthcare Private Limited, Represented by its Resolution
Professional Naga Chamber, 3rd and 4th Floor, D.No. 12-1-16, Plot
No.49, Survey No. 1051, Opp HDFC Bank, Main Road, Visakhapatnam,
Andhra Pradesh 530 002.
3. The State of Andhra Pradesh, Rep by its Principal Secretary, Energy
Department, Secretariat, Velagapudi, Amaravathi 522 238

.... Respondents

Counsel for the Petitioner : SRI M P KASHYAP

Counsel for the Respondent No.1 : Sri V.V.Satish, Standing

Counsel

Counsel for the Respondent No.3: GP FOR ENERGY

Petition under Section 151 CPC of CPC is filed praying that in the
circumstances stated in the affidavit filed in support of the petition, the High
Court may be pleased to issue an order of INTERIM STAY staying the

operation of the letter dated 29.12.2025 in reference Lr.No. SE/O/VSP/SAO/AAO/IAO/SA/HJ/D.No .2213/25 issued by the 1st Respondent, Pending disposal of WP No. 6251 of 2026, on the file of the High Court.

The court, while directing issue of notice to the Respondents herein to show cause as to why this application should not be complied with, made the following order.(The receipt of this order will be deemed to be the receipt of notice in the case).

ORDER

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 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 *prima facie* 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.

//TRUE COPY//

SD/- M.SRINIVAS
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Superintending Engineer, Operation Circle APEPDCL, Visakhapatnam, Eastern Power Distribution Company Of A.P. Ltd.
2. The Resolution Professional Naga Chamber, Seven Hills Healthcare Private Limited, 3rd and 4th Floor, D.No. 12-1-16, Plot No.49, Survey No. 1051, Opp HDFC Bank, Main Road, Visakhapatnam, Andhra Pradesh 530 002.
3. The Principal Secretary, Energy Department, State of Andhra Pradesh, Secretariat, Velagapudi, Amaravathi 522 238(1 to 3 by RPAD)
4. One CC to SRI. M P KASHYAP Advocate [OPUC]
5. One CC to Sri V.V.Satish, Standing Counsel [OPUC]
6. Two CCs to GP FOR ENERGY, High Court of Andhra Pradesh. [OUT]
7. One spare copy

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HIGH COURT

NJS, J

DATED:06/03/2026

List the matter on 06.4.2026.

ORDER

IA NO.1 OF 2026

IN

WP.No.6251 of 2026

INTERIM STAY

