

HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

MAIN CASE NO.:W.P. No.5913 of 2023

PROCEEDING SHEET

Sl. No.	DATE	ORDER	OFFICE NOTE
1.	10.03.2023	<p><u>CMR, J</u></p> <p>Sri V.R. Reddy Kovvuri, learned Standing Counsel for APCPDCL takes notice for respondent Nos.1 and 2 and requests time to obtain instructions.</p> <p>Print the name of Sri V.R. Reddy Kovvuri, learned Standing Counsel for respondent Nos.1 and 2 in the causelist.</p> <p>List the matter after two (02) weeks.</p> <p style="text-align: right;"><u>CMR, J</u></p> <p style="text-align: center;"><u>I.A.No.1 of 2023</u></p> <p>The petitioner is M/s Hemadri Cements. As per proceedings, dated 31.01.2023, issued by the 2nd respondent to the petitioner, M/s HCL Agro Power Limited was requested to pay a sum of Rs.2,64,97,565/- towards differential wheeling charges. It is stated that as the said HCL Agro Power Limited did not respond for the demand made to clear the said arrears, that the petitioner - M/s Hemadri Cements, being the alternative service, is liable to pay the said sum. Accordingly, a demand was made on the petitioner by the aforesaid impugned proceedings.</p>	

The petitioner has submitted explanation to the same which was received by the 2nd respondent on 02.03.2023, wherein it is clearly asserted that M/s Hemadri Cements is a separate legal entity which is not part of M/s HCL Agro Power Limited and that the petitioner is not the alternative service connection of M/s HCL Agro Power Limited.

However, without considering the said explanation submitted by the petitioner, it appears that the impugned final order, dated 02.03.2023, was passed making a demand on the petitioner to pay the said arrears within 15 days to avoid disconnection of service to the petitioner - M/s Hemadri Cements Limited.

When the petitioner asserts that it is a separate legal entity and that it has no nexus whatsoever with M/s HCL Agro Power Limited, which in fact is due to pay the said arrears as claimed by the 2nd respondent, in the considered view of the Court, the petitioner cannot be made liable to pay the same. For the said reason and more particularly, as the explanation offered by the petitioner was not considered, there shall be interim direction not to disconnect the power supply to service connection No.VJA-153 of the petitioner company - M/s Hemadri Cements in pursuance of the impugned proceedings, dated 02.03.2023, till the next date of hearing.

CMR, J
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