



IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
FRIDAY, THE TENTH DAY OF MARCH
TWO THOUSAND AND TWENTY THREE

:PRESENT:

THE HONOURABLE SRI JUSTICE CHEEKATI MANAVENDRANATH ROY

IA No. 1 OF 2023

IN

WP NO: 5913 OF 2023

Between:

M/s. Hemadri cements, Having its Registered office and Unit at Vedadari Village, Jaggaiahpetta, Krishna District, Andhra Pradesh- 521 457 Represented by its Authorized Signatory, Sri. G.Haribabu With Service Connection No. VJA 153

...Petitioner

(Petitioner in WP 5913 OF 2023

on the file of High Court)

AND

1. Andhra pradesh central power distribution company ltd., Represented by its Chairman and Managing Director, MG Road, Near Civil Courts, Beside AP Raj Bhavan, Opp. Rythu Bazar, Vijayawada
2. The Superintending Engineer, Operation Circle, Central Power Distribution Company of Andhra Pradesh Ltd, Vijayawada - 520 002

...Respondents

(Respondents in-do-)

Counsel for the Petitioner

:SRI CHALLA GUNARANJAN

**Counsel for the Respondent Nos.1& 2
(STANDING COUNSEL FOR APCPDCL)**

: SRI V.R.REDDY KOVVURI,

Petition under Section 151 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 direct the respondents not to take any coercive measures including disconnection of power supply to Service Connection No. VJA-153 in pursuance to Lr. No. SE /0 /VJA /SAO /JAO-HT/R2/A3/D.No.127/23 DT. 31.01.2023 and Lr. No. SE /0 /VJA /SAO /JAO- HT /R2/A3 /D. No. 274 /23 DT 02.03.2023 issued by the 2nd respondent, Pending disposal of WP No. 5913 of 2023, 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:

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.

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.

SD/- CHITTI JOSEPH
ASSISTANT REGISTRAR

SECTION OFFICER

//TRUE COPY//

Fo.

To,

1. The Chairman and Managing Director, Andhra Pradesh central power distribution company ltd., MG Road, Near Civil Courts, Beside AP Raj Bhavan, Opp. Rythu Bazar, Vijayawada
2. The Superintending Engineer, Operation Circle, Central Power Distribution Company of Andhra Pradesh Ltd, Vijayawada - 520 002 (**Addressees 1 to 2 By RPAD**)
3. One CC to SRI. CHALLA GUNARANJAN Advocate [OPUC]
4. One CC to SRI V.R.REDDY KOVVURI, Standing Counsel [OPUC]
5. One spare copy

PSR



HIGH COURT

CMR,J

DATED:10/03/2023

NOTE: LIST THE MATTER AFTER TWO (2) WEEKS

ORDER

IA No. 1 OF 2023
IN
WP NO: 5913 OF 2023

INTERIM DIRECTION

