



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**

THURSDAY, THE FOURTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY FIVE

PRESENT

**THE HONOURABLE SRI JUSTICE GANNAMANENI RAMAKRISHNA
PRASAD**

WRIT PETITION NO: 7051 OF 2009

Between:

1. M/s. Sri Krishna Cold Storage Pvt. Ltd., Melapatla Road, Punganur, Chittoor District Andhra Pradesh, Rep. by its Managing Director Sri G. Krishna Reddy

...Petitioner

AND

1. Southern Power Distribution Company of A P Ltd, (APSPCDL) Rep. by its Assistant Divisional Engineer Punganur, Chittoor District. A.P.

2. The Superintending Engineer, Operations Circle, APSPDCL, Bhavani Nagar Tirupati, Chittoor District. A.P.

...Respondents

Counsel for the Petitioner: G NARENDRA CHETTY

Counsel for the Respondents: P VINOD KUMAR

The Court made the following ORAL ORDER:

Heard Sri G. Narendra Chetty, learned Counsel for the Writ Petitioner and Sri Venkata Rama Rao Kota, learned Standing Counsel for APSPDCL.

2. The present Writ Petition is filed seeking following relief :

"....to issue an appropriate Writ Order or Direction more particularly in the nature of MANDAMUS declaring the action of the Respondents in levying Low Power Factor (L.P.F.) Surcharges and Demand Charges including arrears of the

same on the petitioner in addition to the actual energy utilization charges without any valid reasons in Bill dt. 15.2.2009 for the period January-09, February, 09 relating to USC No. 03806006168 for Rs. 3,86,484.00 and consequently set aside the same and pass.....”

3. Learned Counsel for the Writ Petitioner would submit that the Official Respondents herein have straight away issued excess bill for the months of January and February, 2009. It is the submission of the learned Counsel for the Writ Petitioner that the Respondents have illegally demanded Low Power Factor (LPF) Surcharge and Demand Charges, which includes arrears in addition to the actual energy utilization charges, without any valid reasons.

4. Learned Counsel for the Writ Petitioner has drawn the attention of this Court to the Proceeding of the Superintendent Engineer, Operation Circle, APSPDCL, Tirupati dated 24.02.2009 bearing Lr.No.SE/O/TPT/SAO/D.No. 1083/09 (Ex.P.3) that would indicate that Clause No.12.2.1 of General Terms and Conditions of Supply has been amended to mean that the power factor shall be 0.95 from the bill of April, 2009 onwards. It is also stated that, if the power falls below 0.95 during any month from April, 2009 onwards, the HT/LT Industrial Consumers shall pay Low Power Factor (LPF) Surcharge as amended.

5. Sri Venkata Rama Rao Kota, learned Standing Counsel for APSPDCL has submitted Written Instructions furnished by the Deputy Executive Engineer, Operation Sub Division, Punganur, dated 04.12.2025. Copy of the Written Instruction is also furnished to the learned Counsel for the Writ Petitioner. This Written Instruction is taken on record.

6. Learned Standing Counsel has drawn the attention of this Court to the averments made in the Counter Affidavit. The Written Instruction would also stipulate the same content as the Amendment made to Clause No.12.2.1 of General Terms and Conditions of Supply dated 24.02.2009 (Ex.P.3). The above facts would indicate that the additional charge has been raised by the

Respondents for the months of January and February, 2009, whereas the Amendment has been made to the General Terms and Conditions of Supply which are to be applicable from April, 2009 onwards.

7. Having considered the above facts, this Court deems it appropriate to dispose of this Writ Petition with a direction to the Respondents to re-consider the issue afresh in the light of Amendment dated 24.02.2009 (Ex.P.3). This apart, Respondents are directed to pass a Speaking Order within a period of six weeks from today. Needless to state that the Respondent Authorities are statutorily obligated to adhere to the Principles of Natural Justice. Before passing precipitative order, Writ Petitioner shall be given an opportunity to submit proper explanation.

8. With these observations and directions, this Writ Petition stands disposed of. No order as to costs.

9. Interlocutory Applications, if any, stand closed in terms of this order.

GANNAMANENI RAMAKRISHNA PRASAD, J

Dt: 04.12.2025

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HON'BLE SRI JUSTICE GANNAMANENI RAMAKRISHNA PRASAD

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