

[3504]

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

THURSDAY ,THE TWENTY THIRD DAY OF APRIL

TWO THOUSAND AND TWENTY SIX

:PRESENT:

THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

WRIT PETITION NO: 10823 OF 2026



Between:

Sri Varalaxmi JuteTwine Mills (P) Ltd., Having its office at Gopala Puram Village, Rajam Mandal, Vizianagaram District-532 127 Represented by its authorised signatory Mr. Srinivas Chamarthu

Petitioner

AND

1. The State of Andhra Pradesh, Rep by its Secretary, Department of Energy, Secretariat Buildings, Amaravati - 522 503
2. Eastern Power Distribution Company of Andhra Pradesh Limited, C/o. 50-27-5/1 ,Tpt Colony, Seethammadhara, Visakhapatnam, Andhra Pradesh - 530013.
3. Superintending Engineer, Eastern Power Distribution Company of Andhra Pradesh Limited, Operation Circle, Vizianagaram - 535 558
4. Andhra Pradesh Gas Power Distribution Corporation Limited, Having its registered office at 201, My Home, Sarovar Plaza, Near Secretariat, Saifabad, Hyderabad, Andhra Pradesh - 500 063

Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue any order or a direction or a writ more particularly one in the nature of writ of mandamus and declare the actions of the respondents in issuing the proceedings dated 31.12.2025, whereby a demand of Rs.1,66,86,660/- was levied towards payment of the differential amount allegedly payable in respect of the energy supplied between February, 1996

and March, 2003 as illegal, arbitrary, without jurisdiction, barred by limitation, and are nothing but an attempt to revive a stale claim and consequently set aside the impugned proceedings dated 31.12.2025

IA NO: 1 OF 2026

Petition under Section 151 CPC 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 steps pursuant to the impugned proceedings dated 31.12.2025 including disconnection of the electricity connection pending the disposal of the writ petition

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of Sri D S SIVADARSHAN Advocate for the Petitioner(s), GP FOR ENERGY for Respondent No.1, Sri V.V Satish, SC for respondent No.2 & 3, and the Court made the following.

ORDER

1. Learned counsel for the petitioner submits that, by way of impugned order in Lr. No. SE/O/VZM/SAO/AO(FIN)/AAO(FIN)/HT/IAOR/S. A./D.No.673/2025 dated 31.12.2025 issued by the 3rd respondent to the petitioner, directing the petitioner company to pay an amount of Rs.1,67,86,660/- towards wheeling charges pertaining to the years 1996 to 2003 (for a period of six years).

2. Thus, the said impugned order is under challenge in the present lis.

3. Learned counsel for the petitioner raised two core issues in the lis. Firstly, the claim made by the respondent corporation is time-barred, as it seeks to revive billing charges relating to a period of about 20 years.

4. Secondly, it is contended that there is no privity of contract between the petitioner and the respondents.

5. He also placed reliance on the interim order dated 26.08.2020 passed in I.A. No. 1 of 2020 in W.P. No. 13752 of 2020 by the Hon'ble High Court for the State of Telangana at Hyderabad.
6. According to the learned counsel for the petitioner, the Hon'ble Division Bench, after considering the contentious issues raised in the said writ petition, which are similar in nature to the present case, granted interim relief, and the said interim order is still in force.
7. On the other hand, Sri Abdul Matheen, learned counsel representing Sri V.V. Satish, learned Standing Counsel for APEPDCL, seeks time to file comprehensive counter in the matter.
8. In view of the above facts and circumstances, and upon a prima facie consideration, this Court is inclined to grant interim suspension as prayed for.
9. Accordingly, the respondents are directed not to take any coercive steps, including disconnection of electricity supply to the petitioner company, pursuant to the notice dated 31.12.2025 issued by the 3rd respondent.
10. Post after eight (08) weeks.

//TRUE COPY//

For

SD/- M.SRINIVAS
ASSISTANT REGISTRAR
MB
SECTION OFFICER

To,

1. The State of Andhra Pradesh, Rep by its Secretary, Department of Energy, Secretariat Buildings, Amaravati - 522 503
2. Eastern Power Distribution Company of Andhra Pradesh Limited, C/o. 50-27-5/1 ,Tpt Colony, Seethammadhara, Visakhapatnam, Andhra Pradesh - 530013.
3. Superintending Engineer, Eastern Power Distribution Company of Andhra Pradesh Limited, Operation Circle, Vizianagaram - 535 558

4. Andhra Pradesh Gas Power Distribution Corporation Limited, Having its registered office at 201, My Home, Sarovar Plaza, Near Secretariat, Saifabad, Hyderabad, Andhra Pradesh - 500 063 (1-4 by RPAD)
5. One CC to SRI. D S SIVADARSHAN Advocate [OPUC]
6. Two CCs to GP FOR ENERGY ,High Court Of Andhra Pradesh. [OUT]
7. One CC to SRI. V.V.Satish, SC , High Court of AP [OPUC]
8. **One spare copy**

HIGH COURT

MRK, J

DATED:23/04/2026

LIST THE MATTER AFTER EIGHT WEEKS

ORDER

WP.No.10823 of 2026



INTERIM SUSPENSION