

[3329]

(SHOW CAUSE NOTICE BEFORE ADMISSION)
IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(SPECIAL ORIGINAL JURISDICTION)

MONDAY, 6th DAY OF JULY 2026



:PRESENT:

THE HONOURABLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

WRIT PETITION NO: 13861 OF 2026

Between:

M/s. C-Tel Infosystems Private Limited, Represented by Sri Padavala Raja Rao, S/o P Subba Rao, aged about 55 years, being authorised representative of M/s. C Tel infosystems Private Limited, having its registered office in New Delhi at DSM No.361-362 3rd Floor, DLF Towers, Shivaji Marg, New Delhi - 110 015.

Petitioner

AND

1. The Chairman and Managing Director, Andhra Pradesh Central Power Distribution Corporation Limited, having corporate office at beside Polytechnic College, ITI Road, Vijayawada, Krishna District, Andhra Pradesh - 520 008.
2. The Chief General Manager (R and F), APCPDCL, beside Polytechnic College, ITI Road, Vijayawada, Krishna District, Andhra Pradesh - 520 008.
3. The Chief General Manager (Finance), APCPDCL, beside Polytechnic College, ITI Road, Vijayawada, Krishna District, Andhra Pradesh - 520 008.
4. The Authorised Officer and Bank Manager, Karur Vysya Bank, Vijayawada I Town branch, having office at 11-16-36, Singaraju Vari Street, Opp. Savani Transport, One Town, Vijayawada, Andhra Pradesh - 520 001.

5. M/s. Ramdev Industries, represented by its Director, having address at D.No. 39-16-11, Flat NoG1, Sri Giri Sai Towers, Rice Mill Road, Labbipet, Vijayawada-520 009.
6. Mr. Bala Kishan Bhararia, S/o. Gulabchand Bhararia, D.No.54-2013-7 A, Plot No.17, Near Rammandir, Gurunanak Colony, Vijayawada - 520 008.

Respondents

WHEREAS the Petitioner above named through his Advocate Sri Vadlapatla Sai Mallik presented this 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 an order, direction, or any appropriate writ, more particularly one in the nature of a WRIT OF MANDAMUS, declaring the action of Respondent Nos. 1 to 3 in refusing to grant a fresh electricity connection to the Petitioner in respect of the scheduled property, by insisting upon payment of alleged arrears standing in the name of Respondent No. 5, as illegal, arbitrary, without authority of law, in direct violation of the statutory mandate under Section 43 of the Electricity Act, 2003, and the applicable Supply Code/General Terms and Conditions, and also violative of Articles 14, 19(1)(g) and 300A of the Constitution of India, and consequently direct Respondent Nos. 1 to 3 to forthwith process and grant electricity supply to the Petitioner without insisting upon payment of any dues not attributable to the Petitioner, and further declare that any claim in respect of the alleged past electricity dues shall be recoverable, if at all, only from the legally liable person/entity in accordance with law and not from the Petitioner.

AND WHEREAS the High Court upon perusing the petition and affidavit filed herein and upon hearing the arguments of Sri VADLAPATLA SAI MALLIK Advocate for the Petitioner and of Sri V.V. Satish, Standing Counsel for the Respondents No.1 to 3 directed issue of notice to the Respondents No.4 to 6 herein to show cause as to why this WRIT PETITION should not be admitted.

You viz:

1. The Authorised Officer and Bank Manager, Karur Vysya Bank, Vijayawada I Town branch, having office at 11-16-36, Singaraju Vari Street, Opp. Savani Transport, One Town, Vijayawada, Andhra Pradesh - 520 001.
2. M/s. Ramdev Industries, represented by its Director, having address at D.No. 39-16-11, Flat No.G1, Sri Giri Sai Towers, Rice Mill Road, Labbipet, Vijayawada-520 009.
3. Mr. Bala Kishan Bhararia, S/o. Gulabchand Bhararia, D.No.54-2013-7 A, Plot No.17, Near Rammandir, Gurunanak Colony, Vijayawada - 520 008.

are be and hereby directed to show cause either appearing in person or through an Advocate, as to why in the circumstances set out in the petition and the affidavit filed therewith (copy enclosed) this **WRIT PETITION** should not be admitted on or before 31.07.2026 to which date the case stands posted for hearing.

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 Respondent Nos. 1 to 3 to forthwith provide temporary/fresh electricity supply to the Petitioner's scheduled property within a time-bound period not exceeding 7 days, subject to the Petitioner paying normal application charges, security deposit, service charges, meter charges and future consumption charges, without insisting upon payment of alleged arrears standing in the name of Respondent No. 5, Pending disposal of WP No.13861 of 2026, on the file of the High Court.

The Court made the following: ORDER

"Heard learned counsel for the petitioner.

2. Issue notice to respondent Nos.4 to 6.

3. The learned counsel for the petitioner is permitted to take out personal notice to respondent Nos.4 to 6 through registered post with acknowledgment due and file proof of service in the Registry.

4. The case of the petitioner is that he acquired the subject property, along with the electricity service connection, through a public auction conducted under the provisions of the SARFAESI Act, 2002. Thereafter, the petitioner applied for the grant of an MS/HSD Retail Outlet dealership, pursuant to which a Letter of Intent dated 16.03.2024 was issued in his favour.

5. Subsequently, the petitioner submitted a fresh application on 01.09.2025 seeking a new electricity service connection. Though the petitioner claims that he complied with all the requisite conditions, respondent Nos. 2 and 3 did not provide the electricity service connection. Instead, by Memo dated 27.11.2025, the petitioner was informed that, in view of Clause 5.9.6 of the General Terms and Conditions of Supply, the outstanding dues relating to the earlier service connection were required to be cleared before any fresh connection could be granted. The petitioner further stated that the petitioner would be treated as a fresh applicant and was required to pay the current consumption charges along with the applicable surcharge in respect of the subject service connection. The said Memo is also under challenge in the present writ petition.

6. Learned counsel for the petitioner submits that, in similar circumstances, the Full Bench of this Court held that any dues in respect of an electricity connection are attached to the consumer but not to the premises where the connection was located. Therefore, the respondent cannot deny the petitioner's request for a new electricity connection on the ground of the outstanding dues of the previous consumer.

7. On the other hand, the learned Standing Counsel relied upon the very same judgment and contended that the issue had fallen for

consideration before the Full Bench of this Court. The Full Bench held that where the statutory rules or regulations of the State provide for recovery of electricity dues outstanding against a particular premises to which the service connection pertains, such dues may be recovered from a person seeking restoration of the connection or a fresh electricity connection in respect of the same premises. It is further contended that the said principle has also been affirmed by the Constitution Bench of the Hon'ble Apex Court.

8. Learned Standing Counsel further submits that Clause 8(4) of the General Terms and Conditions of Supply specifically provides for recovery of outstanding dues relating to the service connection attached to the premises before a fresh electricity connection is to be granted to the occupant or purchaser of such premises.

9. Having considered the submissions of the learned counsel for both sides, this Court noted that the petitioner purchased the property in a public auction conducted under the provisions of the SARFAESI Act, 2002. It is also not in dispute that, at the time of the auction, the electricity service connection had already been disconnected. It is stated that, after having an adjustment of the security deposit of the previous consumer against the arrears, an amount of Rs.4,00,000/- remains payable towards the outstanding dues, apart from the applicable surcharge.

10. In the above facts and circumstances, this Court is inclined to grant an interim direction. Accordingly, the respondents are directed to provide a fresh electricity service connection to the petitioner, subject to the petitioner depositing a sum of Rs.4,20,248/- within the stipulated time and directed to submit an undertaking/affidavit admitting that responsibility subject to the final outcome of the present writ petition with regard to the balance surcharge and other disputed dues, if any. Upon such deposit and after submission of the undertaking/ affidavit, the respondents shall

release the fresh electricity service connection forthwith. The liability towards the remaining disputed dues, if any, shall be subject to the final outcome of the present writ petition.

10. List the matter on 31.07.2026.”

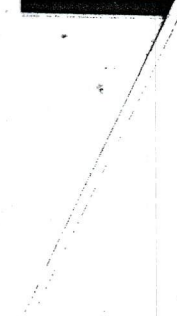
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SD/- K.R.V.S.SUBHRAHMANYAM
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Chairman and Managing Director, Andhra Pradesh Central Power Distribution Corporation Limited, having corporate office at beside Polytechnic College, ITI Road, Vijayawada, Krishna District, Andhra Pradesh - 520 008.
2. The Chief General Manager (R and F), APCPDCL, beside Polytechnic College, ITI Road, Vijayawada, Krishna District, Andhra Pradesh - 520 008.
3. The Chief General Manager (Finance), APCPDCL, beside Polytechnic College, ITI Road, Vijayawada, Krishna District, Andhra Pradesh - 520 008.
4. The Authorised Officer and Bank Manager, Karur Vysya Bank, Vijayawada I Town branch, having office at 11-16-36, Singaraju Vari Street, Opp. Savani Transport, One Town, Vijayawada, Andhra Pradesh - 520 001.
5. M/s. Ramdev Industries, represented by its Director, having address at D.No. 39-16-11, Flat NoG1, Sri Giri Sai Towers, Rice Mill Road, Labbipet, Vijayawada-520 009.
6. Mr. Bala Kishan Bhararia, S/o. Gulabchand Bhararia, D.No.54-2013-7 A, Plot No.17, Near Rammandir, Gurunanak Colony, Vijayawada - 520 008. (Addressee Nos.1 to 6 By RPAD- along with a copy of petition and affidavit)
7. One CC to Sri Vadlapatla Sai Mallik Advocate [OPUC]

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8. Two CCs to GP FOR ENERGY, High Court of A.P. [OUT]
 9. One CC to Sri V.V. Satish, Standing Counsel, High Court of A.P. [OPUC]
 10. One spare copy

HIGH COURT

NV,J

DATED:06/07/2026

LIST THE MATTER ON 31.07.2026

NOTICE BEFORE ADMISSION

WP.No.13861 of 2026

DIRECTION

