

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(SPECIAL ORIGINAL JURISDICTION)

WEDNESDAY, THE SEVENTH DAY OF MAY
TWO THOUSAND AND TWENTY FIVE

:PRESENT:

HONOURABLE SRI DHIRAJ SINGH THAKUR, THE CHIEF JUSTICE
AND

THE HONOURABLE SRI JUSTICE RAVI CHEEMALAPATI

WRIT PETITION NO: 24693 OF 2024

Between:

M/s Sarada Metals & Alloys Ltd, Having its registered office at, 125, B-wing,
Mittal Court, Nariman Point, Mumbai, Maharashtra- 400 02. Rep by its
Authorized Signatory

...Petitioner

AND

Andhra Pradesh Electricity Regulatory Commission, Through its Secretary,
Vidyut Niyantana Bhavan, Dinnedevaram Road, Kurnool - 518002, Andhra
Pradesh

...Respondent

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 appropriate Writ, Order or direction, more particularly one
in the nature of Writ of Mandamus

a) declaring Regulation 3.3 of APERC RPPO Regulations 2017 and
2022 as ultra vires to the Electricity Act, 2003 and set aside the same

b) Directing Ld. APERC to amend Regulation 3.3 of APERC RPPO
Regulations 2017 and 2022 to give effect to the Ministry of Power's Directive
dated 01.10.2019 regarding long-term growth trajectory of RPO for captive
power plants i.e., to cap RPO of captive power plants commissioned before
01.04.2016 at the RPO prescribed by Ld. APERC for FY 2015-16 i.e., at 5%;



IA NO: 1 OF 2024

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 suspend the notice dated 30.05.2023 issued by Ld. APERC also on any similar notices to be issued in future, Pending disposal of WP 24693 of 2024, on the file of the High Court.

IA NO: 2 OF 2024

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 Permit the Petitioner to fulfil its RPO at the rate of 5% in FY 2024-25 and subsequent FYs, Pending disposal of WP 24693 of 2024, on the file of the High Court.

IA NO: 3 OF 2024

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 Respondent Commission not to any take coercive steps against the Petition qua the issue of RPO, Pending disposal of WP 24693 of 2024, on the file of the High Court.

The Petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and the earlier order of the High Court dated. 28.01.2025, made herein and upon hearing the arguments of SRI SAI SANJAY SURANENI Advocate for the Petitioner, and of SRI V R N PRASHANTH, Advocate for the Respondent, the Court made the following

ORDER:

Heard learned counsel for the parties at some length.

Learned counsel for the respondent, Mr. V.R.N. Prashanth, seeks some time to answer some of the issues that have been raised in the petition.

List for continuation on 27.06.2025.

In the meantime, no recovery be effected in respect of amounts which were the subject matter of Show Cause Notices, dated 30.05.2023 and 04.10.2023.

Sd/- K.TATA RAO
DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

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To,

1. The Secretary, Andhra Pradesh Electricity Regulatory Commission, Vidyut Niyantana Bhavan, Dinnedevaram Road, Kurnool - 518002, Andhra Pradesh (by RPAD)
2. One CC to SRI. SAI SANJAY SURANENI Advocate [OPUC]
3. One CC to SRI. V R N PRASHANTH Advocate [OPUC]
4. Two spare copies

PSR

HIGH COURT

**HC,J
&
RC,J**

DATED:07/05/2025

NOTE: List for continuation on 27.06.2025.

ORDER

WP.No.24693 of 2024

INTERIM DIRECTION

