



IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

TUESDAY, THE TWENTY THIRD DAY OF SEPTEMBER

TWO THOUSAND AND TWENTY FIVE

:PRESENT:

THE HONOURABLE SRI JUSTICE GANNAMANENI RAMAKRISHNA PRASAD

WRIT PETITION NO: 25406 OF 2025

Between:

Sunkavalli @ Sunkavarapu Vara Prasad, S/o Surya Prakash Rao, Aged about 43 years, R/o D.No. 5-294, Murari Village, Gandepalli Mandal, East Godavari District

Petitioner

AND

1. The State of Andhra Pradesh, Rep by its Principal Secretary, Energy Department, A P Secretariat Velagapudi, Guntur District
2. Andhra Pradesh Eastern Power Distribution, Company Limited (APEPDCL), Rep by its Chairman and Managing Director Corporate Office at P and T Colony, Seethammadhara, Visakhapatnam
3. The Superintendent Engineer, Operation, APEPDCL East Godavari District.
4. Assistant Accounts Officer, ERO, Jaggampeta, East Godavari District
5. The Asstt. Divisional Engineer, Operation, APEPDCL Jaggampet, East Godavari District.
6. The Assistant Engineer, Operation, APEPDCL Gandepalli Mandal, Gandepalli, East Godavari District.

Respondents

Petition under Article 226 of the Constitution of India is filed praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a Writ, order or direction, more particularly one in the nature of WRIT OF MANDAMUS, declaring the action of the respondents in transferring arrears of SC No. 1421600893019760 to the petitioners service connection No.1421600115001921 of the petitioners residential premises situated at Door No. 5-294, Murari Village, Gandepalli Mandal, East Godavari District and disconnecting his electricity supply on 01-09-2025 as illegal, arbitrary and violative of fundamental and legal rights, and consequently direct the respondents to restore electricity supply to the petitioner service connection forthwith, by setting aside the impugned arrear demand issued by the 4th Respondent dated 20-08-2025 and disconnection dated 01-09-2025.

IA NO: 1 OF 2025

Petition under Section 151 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 to forthwith restore electricity supply to Service Connection No.1421600115001921 of the petitioners residential premises situated at Door No. 5-294, Murari Village, Gandepalli Mandal, East Godavari District, without insisting payment of the alleged arrears pertaining to the old rice mill service connection SC No.1421600893019760, which stood closed since 1990, Pending disposal of WP 25406 of 2025, 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 upon hearing the arguments of Sri VENKATA DURGA RAO ANANTHA Advocate for the Petitioner, GP FOR ENERGY for the Respondent No.1 ; Sri V.V. Satish, Standing Counsel for the Respondent Nos.2 to 6 and the Court made the following.

ORDER

“Heard Sri Venkata Durga Rao Anantha, learned Counsel for the Writ Petitioner, Ms. K. Swaroopa Rani, learned Assistant Government Pleader for Energy and Ms. Kothapalli Aishwarya Chowdhary, learned Junior Standing Counsel for APEPDCL.

2. Ms. Kothapalli Aishwarya Chowdhary, learned Junior Standing Counsel for APEPDCL, has submitted the Written Instructions furnished by the Assistant Engineer, Operation, APEPDCL, Gandepalli. Copy of it is supplied to the Counsel for the Writ Petitioner and the same is taken on record.

3. It is the contention of the learned Counsel for the Writ Petitioner that the Writ Petitioner has purchased the land (open site) of an extent of 1452 square yards vide registered Sale Deed dated 15.11.2005 (Ex.P.5), which is situated in Sy.No.229 and also bears Door No.5-63. Learned Counsel submits that prior to the purchase in the year 2005, the vendor of the Petitioner was running a rice mill. The mother of the Petitioner is the owner of 15 cents of land situated at Door No.5-294. It is submitted by the Counsel for the Writ Petitioner that the Possession Certificate dated 28.04.2023 is in the name of the mother of the Writ Petitioner (Ex.P.4). It is also submitted that the Petitioner and his mother reside in a dwelling house at Door No.5-294.

4. The Assistant Engineer, Operation, APEPDCL (Respondent No.6) has served Notice on the Petitioner on 01.09.2025 by making a stale claim of electricity charges in respect of the erstwhile rice mill owned by the vendor of the Petitioner. It is submitted that due to non-payment of the electricity charges amounting to Rs.1,68,087/-, the electricity connection to the residential dwelling house at Door No.5-294, where the Petitioner and his mother reside, has been disconnected by the Respondent Authorities.

5. It is the contention of the learned Counsel for the Writ Petitioner that the Respondent Authorities cannot raise a claim against the Petitioner and disconnect the electricity at Door No.5-294 to recover a

stale claim against the vendor of the Petitioner. Learned Counsel for the Writ Petitioner would submit that the Respondents resorted to disconnection on 01.09.2025 only on the basis that the connection at Door No.5-294 is in the name of the Petitioner herein.

6. Learned Counsel for the Writ Petitioner has taken this Court through the Notice issued by the Assistant Engineer, Operation, APEPDCL dated 01.09.2025 (Ex.P.1) and would submit that the said Notice is bereft of even the elementary details of the periods under which the vendor of the Petitioner has fallen due to the Respondents. He would also submit that the act of disconnection is nothing but gross highhandedness on the part of the Respondents for resorting to arm-twisting method to recover an alleged claim which is admittedly stale by more than 20 years and is unconnected to the Writ Petitioner.

7. Having regard to the above facts, this Court is of the opinion that the balance of convenience is in favour of the Writ Petitioner. Accordingly, the impugned Order dated 01.09.2025 (Ex.P.1) is suspended. Consequently, the Official Respondents are directed to restore the electricity connection within twenty four (24) hours from now. The issue of compensation for illegal disconnection is kept open and will be considered at a later point of time.

8. Let Counter Affidavit be filed within two weeks. One week thereafter for filing Re-joinder, if any.

9. Ms. Kothapalli Aishwarya Chowdhary, learned Junior Standing Counsel for APEPDCL, is directed to convey the gist of this Order to the Respondent Nos.3 & 5 forthwith for effective compliance.

10. List on 28.10.2025."

SD/- K.SRINIVASA RAJU
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

For

To,

1. The Principal Secretary, Energy Department, The State of Andhra Pradesh, A P Secretariat Velagapudi, Guntur District. [By Special Messenger]
2. The Chairman and Managing Director, The Andhra Pradesh Eastern Power Distribution, Company Limited (APEPDCL), Corporate Office at P and T Colony, Seethammadhara, Visakhapatnam
3. The Superintendent Engineer, Operation, APEPDCL East Godavari District.
4. Assistant Accounts Officer, ERO, Jaggampeta, East Godavari District
5. The Asst. Divisional Engineer, Operation, APEPDCL Jaggampet, East Godavari District.
6. The Assistant Engineer, Operation, APEPDCL Gandepalli Mandal, Gandepalli, East Godavari District. (2 to 6 by RPAD)
7. One CC to SRI. VENKATA DURGA RAO ANANTHA Advocate [OPUC]
8. One CC to Sri V.V. Satish, Standing Counsel [OPUC]
9. Two CCs to GP FOR ENERGY ,High Court Of Andhra Pradesh. [OUT]
10. **One spare copy**

HIGH COURT

GRKP,J

DATED:23/09/2025

LIST ON 28.10.2025

ORDER

WP.No.25406 of 2025

DIRECTION

