

**THE HONOURABLE SRI JUSTICE GANNAMANENI RAMAKRISHNA
PRASAD**

WRIT PETITION NOS: 28536, 30754 and 31516 of 2010

The Court made the following ORAL COMMON ORDER:

Heard Sri Ch. Ashok Kumar, Ld. Counsel appearing on behalf of Sri R.V.Nagabhushana Rao, Ld. Counsel for the Writ Petitioner in W.P.No.28536 of 2010, Sri P.Durga Prasad, Ld. Counsel for the Writ Petitioner in W.P.No.30754 of 2010 and Sri K. Rathanga Pani Reddy, Ld. Counsel for the Writ Petitioner in W.P.No.31516 of 2010, Ms. A. Jyothi Ratna, learned Junior Standing Counsel for APSPDCL and Sri Abdul Matheen, Ld. Junior Standing Counsel for the APEPDCL.

2. Ms. A. Jyothi Ratna, learned Junior Standing Counsel for APSPDCL has placed on record the Common Order passed by the learned Single Judge of this Court in W.P.No.34450 of 2012 and batch dated 09.12.2024. Learned Junior Standing Counsel would submit that insofar as the first quarter for the Financial Year, 2010-2011, the matter is subjudice before the Hon'ble Supreme Court. The learned Standing Counsel would submit that in respect of other periods, the Judgment of the Hon'ble Supreme Court in **Sai Bhaskar Iron Ltd., vs. A.P. Electricity Regulatory Commission & Ors (Civil Appeal No.5542 of 2016 and batch)** governs the field and therefore, for such of the periods, the Order of the Hon'ble Supreme Court has already been implemented.

3. Learned Single Judge of this Court in W.P.No.34450 of 2012 and batch had taken note of the pendency of the Special Leave Petitions before the Hon'ble Supreme Court insofar as the first quarter of the financial year 2010-2011 is concerned and had issued the following directions:

(1) The orders dated 20.09.2012 of the Commission pertaining to the FSA for the 1st quarter of the financial year 2010-2011 shall not be enforced on any of the consumers of the four DISCOMs, till disposal of the SLPs pending before the Supreme Court.

(2) The enforceability or otherwise of the orders of the commissions for the 1st quarter of the financial year 2010-2011 shall depend on the result of the SLPs.

(3) In the event of the Supreme Court confirms the judgment of the Division Bench dated 20.09.2012, the FSA for the 1st quarter of the financial year 2010-2011 will become unenforceable. In a converse situation, the petitioners shall be entitled to question the orders of the Commission in respect of both the financial years 2010-2011 and 2011-2012.

(4) If any of the DISCOMs have collected the FSA for the first quarter of the financial year 2010–2011 from any consumers, including the petitioners, they shall adjust the same in the future electricity bills immediately falling due. This adjustment shall also be subject to the outcome of the SLPs pending before the Supreme Court.”

4. Learned Counsel for both sides have no objection for the disposal of present batch of Writ Petitions basing on the above directions of the learned Single Judge in W.P.No.34450 of 2012 and batch dated 09.12.2024.

5. In this view of the matter, this batch of Writ Petitions is disposed of in terms of the above extract in W.P.No.34450 of 2012 dated 09.12.2024. No Order as to Costs.

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

GANNAMANENI RAMAKRISHNA PRASAD, J

Dt: 01.12.2025

MNR

HON'BLE SRI JUSTICE GANNAMANENI RAMAKRISHNA PRASAD

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