

(SHOW CAUSE NOTICE BEFORE ADMISSION)
HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD
(Special Original Jurisdiction)
TUESDAY, THE EIGHTH DAY OF JUNE TWO THOUSAND AND TWENTY ONE
:PRESENT:
THE HONOURABLE SRI JUSTICE A.ABHISHEK REDDY
WRIT PETITION NO: 12879 OF 2021

Between:

ITC Limited, Registered Office at 37, JL Nehru Road, Kolkata And Divisional Head Quarters of its Paperboards and Specialty Papers Division, 106, S.P Road, Secunderabad, Telangana – 500 003, Rep. By its Divisional Chief Executive, Mr. Vadiraj Kulkarni, S/o. Dhruvaraj Kulkarni, Manufacturing Unit: Sarapaka, Bhadradi-Kothagudem District, Service No.BKM-011 (formerly KMM-036).

...Petitioner

AND

1. Northern Power Distribution Company of Telangana Ltd, H.No.2-5-31/2, Corporate Office, Vidyut Bhavan, Nakkalgutta, Hanamkonda, Warangal District, Telangana – 506 001, Represented by its Chairman and Managing Director.
2. The Superintending Engineer, Operation Circle, TSNPDCL, Bhadradi-Kothagudem, Telangana.
3. Transmission Corporation of Telangana Limited, (TSTRANSCO), Vidyut Soudha, Hyderabad – 500 082, Represented by its Chairman and Managing Director.

...Respondents

WHEREAS the Petitioner above named through its Advocate M/s CHALLA GUNARANJAN 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 a writ, direction or order or orders more particularly one in the nature of writ of mandamus declaring the action of the Respondents in levying and demanding Grid Support Charges of Rs.41,00,37,371/- and/or interest thereon of Rs.110,63,02,411/- vide Lr No.SE/Op/BKGM/SAO/AAO/JAO(HT)/D.No.120/21, dt: 19/05/2021 (2nd Revised demand) issued by the 2nd Respondent, and the action of the Respondents in issuing notice demanding payment within 24 hours under threat of disconnection vide Lr.No.SE/Op/BKGM/SAO/AAO/JAO(HT)/D.No.183/21, dt: 05/06/2021 issued by the 2nd Respondent, as arbitrary, illegal, without jurisdiction and contrary to law, besides being violation of the petitioners rights guaranteed under Articles 14 and 19(1)(g) of the Constitution of India and consequently set aside the same.

AND WHEREAS the High Court upon perusing the petition and affidavit filed herein and upon hearing the arguments of M/s CHALLA GUNARANJAN, Advocate for the Petitioner, directed issue of notice to the Respondents herein to show cause as to why this WRIT PETITION should not be admitted.

You viz:

1. The Chairman and Managing Director, Northern Power Distribution Company of Telangana Ltd, H.No.2-5-31/2, Corporate Office, Vidyut Bhavan, Nakkalgutta, Hanamkonda, Warangal District, Telangana – 506 001.
2. The Superintending Engineer, Operation Circle, TSNPDCL, Bhadradi-Kothagudem, Telangana.
3. The Chairman and Managing Director, Transmission Corporation of Telangana Limited, (TSTRANSCO), Vidyut Soudha, Hyderabad – 500 082.

are directed to show cause on or before 12-07-2021 to which date the case stands posted 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.

IA NO: 1 OF 2021

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to direct the Respondents 1 and 2 not to take any coercive steps including that of disconnection of power supply to the Petitioner's HT Service Connection No.BKM-011 in pursuance to the notices vide Lr.No.SE/Op/BKGM/SAO/AAO/JAO(HT)/D.No.183/21 dt: 05.06.2021 and Lr.No.SE/Op/BKGM/ SAO/AAO/JAO(HT)/D.No.120/21, dt: 19.05.2021 issued by the 2nd Respondent or otherwise, pending disposal of WP.No.12879 of 2021, on the file of the High Court.

THE COURT MADE THE FOLLOWING ORDER:

Notice before admission.

Learned Standing Counsel seeks time for filing counter.

Post on 12.07.2021.

Learned counsel for the petitioner has stated that based on the representation made by the petitioner, the Grid Support Charges were reduced from Rs.130.07 crores to Rs.41,00,37,371/- and even the amount of Rs.41,00,37,371/- arrived by the authorities is not proper.

Having regard to the fact that the Hon'ble Supreme Court vide judgment in Civil Appeal No.8969 of 2003, dated 29.11.2019, has already upheld the levying of Grid Support Charges, the only issue involved in the present writ petition is with regard to the quantum of interest levied by the official respondents and also whether the amount of Rs.41,00,37,371/- arrived by the authorities is proper or not. Unless and until a counter is filed by the respondent-Corporation, the same cannot be gone into at this stage. *Prima facie* this Court is of the opinion that the levy of interest of Rs.110 crores on the Grid Support Charges of Rs.41,00,37,371/- is liable to be stayed till the said issue is resolved in the present writ petition.

Hence, there shall be an interim direction to the official respondents not to take any coercive steps against the petitioner subject to the petitioner paying 25% of the Grid Support Charges of Rs.41,00,37,371/- within a period of two weeks from today and another 25% amount within a period of four weeks thereafter. Insofar as interest amount of Rs.110 crores is concerned, there shall be an interim stay pending further orders of this Court. In case the petitioner does not pay the amount within the time stipulated by this Court, the official respondents are free to take necessary action, as per law. Any amounts paid by the petitioner shall be subject to the final result of the writ petition and without prejudice to the rights both the parties.

The respondent-Corporation shall file its counter by the next date of hearing.

SD/- K. VENKAIAH
ASSISTANT REGISTRAR

//TRUE COPY//

CR. CR.
SECTION OFFICER

To,

1. The Chairman and Managing Director, Northern Power Distribution Company of Telangana Ltd, H.No.2-5-31/2, Corporate Office, Vidyut Bhavan, Nakkalgutta, Hanamkonda, Warangal District, Telangana – 506 001.
2. The Superintending Engineer, Operation Circle, TSNPDCL, Bhadradi-Kothagudem, Telangana.
3. The Chairman and Managing Director, Transmission Corporation of Telangana Limited, (TSTRANSCO), Vidyut Soudha, Hyderabad – 500 082 (RR 1 to 3 by RPAD along with a copy of petition and affidavit).
4. One CC to M/s. CHALLA GUNARANJAN, Advocate [OPUC].
5. One spare copy
ZEE

HIGH COURT

AARJ

DATED:08/06/2021

POST ON 12.07.2021

NOTICE BEFORE ADMISSION

WP.No.12879 of 2021

INTERIM DIRECTION



A handwritten signature or mark, possibly a stylized 'N' or a checkmark, located below the circular stamp.