

**(SHOW CAUSE NOTICE BEFORE ADMISSION)
IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD**

FRIDAY, THE TWENTY FIFTH DAY OF JUNE TWO THOUSAND AND TWENTY ONE

**:PRESENT:
THE HONOURABLE SRI JUSTICE A.ABHISHEK REDDY**

WRIT PETITION NO: 14231 OF 2021

Between:

M/s. Gayatri Sugars Limited, B2, 2nd Floor, 6-3-1090, TSR Towers, Raj Bhavan Road, Somajiguda, Hyderabad, Telangana represented by its Managing Director, Mrs. T. Sarita Reddy Having its Nizamsagar Unit at- Maagi, Nizamsagar Mandal, Kamareddy District, Telangana

Petitioner

AND

1. Northern Power Distribution Company of Telangana Ltd, (TSNPDCL) 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. Chief General Manager, (IPC and RAC), Operation Circle, TSNPDCL, Warangal, 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 SRUI 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. 96,25,403/- and interest thereon of Rs. 70,87,876/- vide Lr.No.CGM/IPC and RAC /GM/DE(IPC)/AO(IPC)/AAO/F. Grid Support/D.No.545/20, dt. 07.01.2021 and further action of issuing notice by demanding payment within 15 days vide Lr.No.CGM/IPC and RAC/GM/ DE (IPC)/AO(IPC)/AAO/F. Grid Support/D.No.616/20, dt.11/02/2021, 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 Sri 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, (TSNPDCL) H.No. 2-5-31/2, Corporate Office, Vidyut Bhavan, Nakkalgutta, Hanamkonda, Warangal District, Telangana - 506 001
2. Chief General Manager, (IPC and RAC), Operation Circle, TSNPDCL, Warangal, 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 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 in pursuance to the demand notices vide Lr.Nos.CGM/IPC&RAC/GM/DE (IPC)/AO(IPC)/AAO/F. Grid Support/D.No.545/20, dt. 07.01.2021 and CGM /IPC&RAC/GM/DE(IPC)/AO(IPC)/AAO/F. Grid Support/D.No.616/20, dt. 11/02/2021 issued by the 2nd Respondent or otherwise, pending disposal of WP No. 14231 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 along with W.P. No.12879 of 2021.

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 Gird Support Charges, the only issue involved in the present writ petition is with regard to the quantum of interest levied by the official respondents. 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. 70,87,876/- on the Grid Support Charges of Rs. 96,25,403/- 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 Gird Support Charges of Rs. 96,25,403/- within a period of two weeks from today and another 25% amount within a period of four weeks thereafter. In case the petitioner does not pay the above amount within the time stipulated by this Court, the official respondents are free to take necessary action, as per law.

Insofar as interest amount of Rs. 70,87,876/- is concerned, there shall be interim stay pending further orders of this Court. Any amounts paid by the petitioner shall be subject to the final result of the writ petition and without prejudice to the rights of both the parties.

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

//TRUE COPY//

SD/- K ONESIM
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Chairman and Managing Director, Northern Power Distribution Company of Telangana Ltd, (TSNPDCL) H.No. 2-5-31/2, Corporate Office, Vidyut Bhavan, Nakalgutta, Hanamkonda, Warangal District, Telangana - 506 001
2. Chief General Manager, (IPC and RAC), Operation Circle, TSNPDCL, Warangal, Telangana.
3. The Chairman and Managing Director, Transmission Corporation of Telangana Limited, (TSTRANSCO), Vidyut Soudha, Hyderabad - 500 082 (1 TO 3 by RPAD- along with a copy of petition and affidavit)
4. One CC to SRI CHALLA GUNARANJAN Advocate [OPUC]
5. One spare copy

HIGH COURT

AAR,J

DATED:25/06/2021

POST ON 12-07-2021 LAONG WITH W.P.NO.12879 OF 2021

NOTICE BEFORE ADMISSION

WP.No.14231 of 2021

INTERIM DIRECTION



A handwritten signature in black ink, consisting of a large, stylized 'N' or 'M' shape.