



**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

WEDNESDAY, THE TWENTIETH DAY OF AUGUST
TWO THOUSAND AND TWENTY FIVE

PRESENT

**THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI
AND
THE HON'BLE SRI JUSTICE VAKITI RAMAKRISHNA REDDY**

WRIT APPEAL NO: 881, 882 AND 883 OF 2025

WA NO. 881 OF 2025:

Writ Appeal under clause 15 of the Letters Patent preferred against the order dated 31/07/2025 passed in the W.P.No. 12304 of 2024 on the file of the High Court.

Between:

M/s Dilip Re-rolling Pvt. Ltd, Service Connection bearing No. MBN- 719, Survey Nos. 21 to 24, Gunded Village, Balanagar Mandal, Mahaboobnagar District, rep. by its Director, Sudhansu Sekher Agarwal

...APPELLANT

AND

1. The Telangana State Electricity Regulatory Commission, Rep. by its Secretary, Red Hills, Hyderabad, Telangana State.
2. The Southern Power Distribution Company of Telangana Limited, Rep. by its Chairman and Managing Director, Mint Compound, Hyderabad, Telangana State.
3. The Superintending Engineer, Operation, the Southern Power Distribution Company of Telangana Limited, Mahaboobnagar, Mahaboobnagar District Telangana State.
4. The Senior Accounts Officer, Operation, the Southern Power Distribution Company of Telangana Limited, Mahaboobnagar, Mahaboobnagar District Telangana State.
5. The State of Telangana, rep. by its Prl. Secretary, Energy Department, Telangana Secretariat, Hyderabad. .

...RESPONDENTS

IA NO: 2 OF 2025

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 stay all further proceedings pursuant to the order dated 19. 04. 2024 in O. P. No. 76/2015 passed by the 1st respondent in respect of the 2nd respondent including disconnection of petitioners power supply pending disposal of the above writ Appeal



2025:TSHC:34100-DB

**Counsel for the Appellant: SRI D. V. NAGARJUNA BABU, SENIOR COUNSEL
FOR SMT K. JAYASREE**

**Counsel for Respondent No. 1: SRI P. PRASAD
SC FOR TGERC**

**Counsel for Respondent Nos. 2 to 4: SRI N. SREEDHAR REDDY,
SC FOR TGSPDCL**

Counsel for Respondent No. 5: GP FOR ENERGY

WA NO: 882 OF 2025

Writ Appeal under clause 15 of the Letters Patent preferred against the order dated 31/07/2025 in W P No 13127 of 2024 on the file of the High Court.

Between:

M/ s Radha Smelters Private Limited, (MDK-1395) (Furnace Division) Sy No. 338/ A2, Mirzapally Road, Ch. Shankarampet (Village and Mandal) Medak District, Telangana. Represented by its Authorised Signatory, Mr.Arvind Kumar Shaw

AND

...APPELLANT

1. The Telangana State Electricity Regulatory Commission, Rep. by its Secretary, Red Hills, Hyderabad, Telangana State.
2. The Southern Power Distribution Company of Telangana Limited, rep. by its Chairman and Managing Director, Mint Compound, Hyderabad, Telangana State.
3. The Superintending Engineer, Operation, the Southern Power Distribution Company of Telangana Limited, Medak District, Medak, Telangana State.
4. The Senior Accounts Officer, Operation, the Southern Power Distribution Company of Telangana Limited, Medak District, Medak, Telangana State.
5. The State of Telangana, rep. by its Pri. Secretary, Energy Department, Telangana Secretariat, Hyderabad

IA NO: 2 OF 2025

...RESPONDENTS

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 stay the operation of the order dated 19-04-2024 in the said matter i.e., O.P. No. 76/2015 passed by the Respondent No. 1 and all consequential actions in pursuance of the said order dated 19.04.2024 including disconnection of the Appellant's electricity connection, pending disposal of the present Writ Appeal

IA NO: 3 OF 2025

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 stay



2025:TSHC:34100-DB

the operation of the Impugned Judgment dated 31.07.2025 in W.P. No. 13127 of 2025 disposing of the said Writ Petition as dismissed, pending disposal of the present Writ Appeal

**Counsel for the Appellant: SRI AVINASH DESAI, SENIOR COUNSEL
FOR Ms. YASEEN ABBAS KHAN**

**Counsel for Respondent No. 1: SRI P. PRASAD
SC FOR TGERC**

**Counsel for Respondent Nos. 2 to 4: SRI N. SREEDHAR REDDY,
SC FOR TGSPDCL**

Counsel for Respondent No. 5: GP FOR ENERGY

WA NO: 883 OF 2025

Writ Appeal under clause 15 of the Letters Patent preferred against the Order dated 31/07/2025 in W. P. No. 13119 of 2024. on the file of the High Court.

Between:

M/s Radha Smelters Private Limited, (Formerly M/s. Radha Smelters Limited)
Service Connection No. MDK-1060, Survey Nos. 327, 328, Ch.
Shankarampet (Village and Mandal) Medak District, Telangana. Represented
by its Authorised Signatory, Mr. Arvind Kumar Shaw

...APPELLANT

AND

1. The Telangana State Electricity Regulatory Commission, Rep. by its Secretary, Red Hills, Hyderabad, Telangana State.
2. The Southern Power Distribution Company of Telangana Limited, rep. by its Chairman and Managing Director, Mint Compound, Hyderabad, Telangana State.
3. The Superintending Engineer, Operation, the Southern Power Distribution Company of Telangana Limited, Medak District, Medak, Telangana State.
4. The Senior Accounts Officer, Operation, the Southern Power Distribution Company of Telangana Limited, Medak District, Medak, Telangana State.
5. The State of Telangana, rep. by its Prl. Secretary, Energy Department, Telangana Secretariat, Hyderabad

...RESPONDENTS

IA NO: 2 OF 2025

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 stay the operation of the order dated 19-04-2024 in the said matter i.e., O.P. No. 76/2015 passed by the Respondent No. 1 and all consequential actions in pursuance of the said order dated 19.04.2024 including disconnection of the Appellants electricity connection, pending disposal of the present Writ Appeal



2025:TSHC:34100-DB

IA NO: 3 OF 2025

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 stay the operation of the Impugned Judgement dated 31.07.2025 in W.P. No. 13119 of 2024 disposing of the said Writ Petition as dismissed, pending disposal of the present Writ Appeal

**Counsel for the Appellant: SRI AVINASH DESAI, SENIOR COUNSEL
FOR Ms. YASEEN ABBAS KHAN**

**Counsel for Respondent No. 1: SRI P. PRASAD
SC FOR TGERC**

**Counsel for Respondent Nos. 2 to 4: SRI N. SREEDHAR REDDY,
SC FOR TGSPDCL**

Counsel for Respondent No. 5: GP FOR ENERGY

The Court made the following: COMMON ORDER



HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI
AND
HON'BLE SRI JUSTICE VAKITI RAMAKRISHNA REDDY

W.A.Nos.881, 882 and 883 of 2025

COMMON JUDGMENT: *(Per Hon'ble Sri Justice Abhinand Kumar Shavili)*

Since the issue involved in all these writ appeals is one and the same, they are being heard together and disposed of by way of this common judgment.

2. W.A.No.881 of 2025 is filed aggrieved by the order dated 31.07.2025 passed in W.P.No.12304 of 2024 by the learned Single Judge.

3. W.A.Nos.882 and 883 of 2025 are filed aggrieved by the common order dated 31.07.2025 passed in W.P.No.12440 of 2024 and batch by the learned Single Judge.

4. Heard Sri D.V.Nagarjuna Babu and Sri Avinash Desai, learned Senior Counsel representing Ms. K.Jaya Sree and Yascen Abbas Khan, learned counsel appearing for the appellants, Sri P.Prasad, learned Standing Counsel for TGERC appearing for respondent No.1, Sri N.Sreedhar Reddy, learned Standing

Counsel for TGSPDCL appearing for respondent Nos.2 to 4, and learned Advocate General appearing for respondent No.5.

5. For the sake of convenience, the facts in W.A.No.881 of 2025 are discussed hereunder.

6. Learned Senior Counsel appearing for the appellants had contended that the 1st respondent-Telangana State Electricity Regulatory Commission has fixed Cross Subsidy Surcharge and other charges in respect of High Tension Industrial Category of 11 KV and 33KV for the financial year 2015-16 *vide* order dated 27.03.2015 without giving any opportunity to the appellants. Aggrieved by the said order, the appellants have approached the High Court by filing W.P.No.26609 of 2015 and batch and the learned Single Judge allowed the said writ petitions *vide* order dated 29.10.2018. Challenging the same, TS DISCOMs have preferred Intra-Court Appeals i.e., W.A.No.1672 of 2019 and batch and this Court dismissed the same *vide* judgment dated 11.03.2019. Aggrieved by the said orders passed by the learned Single Judge and the Division Bench, the appellants have approached the Apex Court



by filing S.I.P(C).Nos.14047-14066/2019 and the Apex Court *vide* order dated 07.11.2023 remitted the matter to the 1st respondent-Regulatory Commission to decide the issue after following due process prescribed under law and affording opportunity to the parties concerned.

7. Learned Senior Counsel appearing for the appellants had further contended that a hearing took place before the 1st respondent on 20.02.2024, whereas TS DISCOMs have filed counter only after hearing i.e., on 01.04.2024 and after filing counters, no hearing took place and without giving any opportunity to the appellants, the 1st respondent has once again enhanced Cross Subsidy Surcharge from Rs.1.29 paise to Rs.1.33 paise *vide* order dated 19.04.2024 and that the 1st respondent ought not to have passed the same. Aggrieved by the said order, the appellants have approached this Court by filing W.P.No.12304 of 2024 and W.P.No.12440 of 2024 and batch and learned Single Judge dismissed the said writ petitions *vide* orders dated 31.07.2024. Challenging the same, the present writ appeals are filed.



8. Learned Senior Counsel appearing for the appellants had further contended that as per proviso 3 to Section 42 (2) of the Electricity Act, 2003 (for short 'the Act'), surcharge and cross subsidies shall be progressively reduced in the manner as may be specified by the State Commission. Instead of reducing the Cross Subsidy Surcharge, the 1st respondent-Regulatory Commission has enhanced the Cross Subsidy Surcharge, which is contrary to proviso 3 to Section 42 (2) of the Act and this fact was not properly appreciated by the 1st respondent-Regulatory Commission. Learned counsel had further contended that DISCOMs have claimed Cross Subsidy Surcharge of Rs.0.30 paise, instead of confirming the same, the 1st respondent on its own has enhanced the Cross Subsidy Surcharge from Rs.1.29 paise to Rs.1.33 paise, which is contrary to law. The 1st respondent, on its own, cannot enhance the Cross Subsidy Surcharge than what was claimed by the DISCOMs and this fact was not properly appreciated by the learned Single Judge and the learned Single Judge has dismissed the writ petitions.



09. Learned Senior Counsel appearing for the appellants had further contended that DISCOMs in their proposal dated 07.02.2015 has claimed only Rs.0.30 paise Cross Subsidy Surcharge and thereafter, no fresh proposals were submitted by the DISCOMs seeking enhancement of Cross Subsidy Surcharge and therefore, the question of enhancing the Cross Subsidy Surcharge does not arise and the Cross Subsidy Surcharge enhanced by the 1st respondent on its own is also contrary to law. Therefore, appropriate orders be passed in these appeals by setting aside the order dated 19.04.2024 passed by the 1st respondent and also the orders dated 31.07.2025 passed by the learned Single Judge in W.P.No.12304 of 2024 and W.P.Nos.12440 of 2024 and batch and allow the writ appeals.

10. Learned Advocate General appearing for the 5th respondent had contended that the 1st respondent has given every opportunity to the appellants and after giving opportunity only, the 1st respondent has passed the order of enhancing the Cross Subsidy Surcharge dated 19.04.2024 and the learned

Single Judge has rightly dismissed the writ petitions with an observation that right of appeal is available to the appellants as per the Act. The appellants instead of preferring the appeals have approached this Court. Learned Advocate General has also drawn our attention to the order passed by the Apex Court, wherein the Apex Court in its order dated 07.11.2023 in SLP(C)Nos.14047-14066 of 2019 has given a finding that the appellants should have approached the appellate authority, instead of approaching the Apex Court and that the Apex Court has set aside the orders passed by the learned Single Judge and the Division Bench and remitted the matter to the 1st respondent-Regulatory Commission to decide the issue after following due process prescribed under law and affording opportunity to the parties concerned within three months. If the appellants are aggrieved by the orders passed by the Regulatory Commission, they should approach the appellate authority. Therefore, the learned Single Judge was justified in dismissing the writ petitions.



11. Learned Senior Counsel appearing for the appellants had further contended that the appellants would approach the appellate authority within a period of eight (08) weeks. Till the appellate authority considers the stay application to be filed by the appellants, let there be a stay of the order dated 19.04.2024 passed by the 1st respondent-Regulatory Commission.

12. Learned Advocate General appearing for the 5th respondent had contended that if the appellants are willing to prefer an appeal, let the time be fixed for considering the stay application to be filed by the appellants.

13. Having considered the rival submissions made by the learned counsel on either side, this Court is of the view that since the appellants have expressed their view that they would prefer an appeal along with the stay application before the appellate authority within a period of eight weeks, the appellants are permitted to file the same within a period of eight weeks from the date of receipt of a copy of this order. The order dated 19.04.2024 passed by the 1st respondent- Regulatory Commission shall not be acted upon for a period of eight

weeks. In the interregnum, the appellants must pursue their remedies of preferring an appeal before the appellate authority and seek stay of the order and the appellate authority shall ensure that some orders are passed on the stay application. If the appeal is filed, the appellate authority shall number the same and consider the stay application as expeditiously as possible. Since the appellants are pursuing their remedies in a writ Court, the benefit under Section 14 of the Limitation Act, 1963, shall be extended to them.

14. With the above observations, the Writ Appeals are disposed of. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

**SD/-A.V.S. PRASAD
DEPUTY REGISTRAR**

//TRUE COPY//

SECTION OFFICER

To,

1. The Secretary, Telangana State Electricity Regulatory Commission, Red Hills, Hyderabad, Telangana State.
2. The Chairman and Managing Director, Southern Power Distribution Company of Telangana Limited, Mint Compound, Hyderabad, Telangana State.
3. The Superintending Engineer, Operation, the Southern Power Distribution Company of Telangana Limited, Mahaboobnagar, Mahaboobnagar District Telangana State.
4. The Senior Accounts Officer, Operation, the Southern Power Distribution Company of Telangana Limited, Mahaboobnagar, Mahaboobnagar District Telangana State.
5. The Principal Secretary, Energy Department, State of Telangana, Telangana Secretariat, Hyderabad.
6. One CC to Smt. K Jayasree Advocate [OPUC]
7. One CC to Ms. Yaseen Abbas Khan, Advocate (OPUC)
8. One CC to Sri P Prasad (SC FOR TGERC) Advocate [OPUC]
9. One CC to Sri N. Sreedhar Reddy, SC for TGSPDCL (OPUC)
10. Two CCs to GP For Energy, High Court for the State of Telangana. [OUT]
11. Two CD Copies



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HIGH COURT

DATED: 20/08/2025



COMMON JUDGMENT

WA NO: 881, 882 AND 883 OF 2025

DISPOSING OF THE WRIT APPEALS

WITHOUT COSTS

(14)

kpr
23/9/25