

HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

WEDNESDAY, THE FIFTEENTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY THREE

:PRESENT:**THE HONOURABLE SRI JUSTICE NAGESH BHEEMAPAKA****WRIT PETITION NO: 29946 OF 2023****Between:**

Zuari Cement Limited, Having its Regd. Office at Krishna Nagar, Yerraguntla, Kadapa, Andhra Pradesh - 516311. Rep. by its Authorized Signatory, Trivikram Dasu, S/o. D. Narayana Rao, aged about 58 years. Unit: Sitapuram, Dondapadu, Suryapet District, HT Service Connection No. SPT- 206.

Petitioner**AND**

1. Southern Power Distribution Company of Telangana Ltd., Corporate Office, Vidyut Soudha, Hyderabad, Telangana. Rep. by its Chairman & Managing Director.
2. The Chief General Manager (Revenue), Corporate Office, Vidyut Soudha, Hyderabad, Telangana.
3. The Superintending Engineer, Operation Circle, TSSPDCL, Suryapet, Telangana.
4. Transmission Corporation of Telangana Limited, (TSTransco), Vidyut Soudha, Hyderabad, Telangana - 500 082, Rep. by its Chairman & Managing Director

Respondents

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 (GSC) along with interest/surcharge initially for an amount of Rs. 11.03.50.120/- vide Lr.No.CGM(Rev)/GM/SAO(R)/AO(HT)/AAO/JAO/D.No.176 dt. 02.07.2022 issued by the 2nd Respondent, and later revised to an amount of Rs. 54,16,823/-, i.e., principal amount of Rs. 18,43,213/- and surcharge thereon of Rs. 69,05,188/- after deducting Rs. 33,31,578/- already paid by the petitioner prior to any demand being made vide Lr. No. SE/OP/NLG/ SAO/HT/ D.No.134/23. dt. 12.10.2023, issued by the 3rd Respondent, and further directing the petitioner to pay the alleged dues within a period of 15 days, failing which, power supply to the petitioner was threatened to be disconnected, as arbitrary, illegal, without jurisdiction and contrary to the provisions of the Electricity Act 2003, besides being un-constitutional and violative of the Petitioner's rights guaranteed under Articles 14 and 19(1)(g) of the Constitution of India and consequently set aside the same;

IA NO: 1 OF 2023

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 to 3 not to take any coercive steps including that of disconnection

of power supply to the Petitioner's HT Service Connection No. SPT-206 in pursuance to the demand notice vide Lr.No.CGM(Rev)/GM/SAO (R)/AO(HT)/AAO/JAO/D.No.176 dt. 02.07.2022 issued by the 2nd Respondent and revised by Lr. No. SE/OP/NLG/SAO/HT/D.No.134/23, dt. 12.10.2023 issued by the 3rd Respondent, pending disposal of WP 29946 of 2023, 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 CHALLA GUNARANJAN, Advocate for the Petitioner, the Court made the following;

ORDER

This writ petition is filed to declare the action of respondent Nos.1 to 4 in levying and demanding Grid Support Charges (GSC) along with interest thereon for the Financial Years 2002-03 and 2003-04 and subsequent financial years as illegal, arbitrary and without jurisdiction and contrary to the provisions of the Electricity Act, 2003.

Learned counsel for the petitioner submitted that the case of the petitioner is similar to the facts and circumstances of the case in Writ Petition No.31170 of 2021 wherein this Court has granted interim order in I.A.No.1 of 2021 on 13.11.2021.

Following the said interim order, this Court directs the petitioner to pay 50% of the Grid Support Charges in two instalments and there shall be interim stay in so far as the interest amount is concerned.

List on 01.12.2023, along with W.P.No.31170 of 2021.

//TRUE COPY//

**SD/- G.SIREESHA
ASSISTANT REGISTRAR**

SECTION OFFICER

To,

1. The Chairman & Managing Director, Southern Power Distribution Company of Telangana Ltd., Corporate Office, Vidyut Soudha, Hyderabad, Telangana.
2. The Chief General Manager (Revenue), Corporate Office, Vidyut Soudha, Hyderabad, Telangana.
3. The Superintending Engineer, Operation Circle, TSSPDCL, Suryapet, Telangana.
4. The Chairman & Managing Director, Transmission Corporation of Telangana Limited, (TSTransco), Vidyut Soudha, Hyderabad, Telangana - 500 082.
(for 1 to 4 by RPAD)
5. One CC to SRI. CHALLA GUNARANJAN, Advocate [OPUC]
6. One spare copy

HIGH COURT

NBKJ

DATED:15/11/2023

**LIST ON 01.12.2023,
ALONG WITH W.P.NO.31170 OF 2021**

ORDER

WP.No.29946 of 2023



DIRECTION