

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

FRIDAY, THE TWENTIETH DAY OF OCTOBER
TWO THOUSAND AND TWENTY THREE

:PRESENT:

THE HON'BLE SRI JUSTICE C.V. BHASKAR REDDY

WRIT PETITION NO: 29774 OF 2023

Between:

M/s. Zuari Cement Limited, (Formerly known as Sitapuram Power Limited), Having its unit at Sitapuram, Dondapadu, Nalgonda District, Telangana - 508 246, Rep. by its Plant Head, Sri K. Papa Rao S/o. K. Adinarayana Prasad

Petitioner

AND

1. Telangana State Southern Power Distribution Company Limited, (TSSPDCL), Mint Compound, Hyderabad, Telangana, Rep. by its Chairman and Managing Director.
2. The Chief General Manager (Revenue), Telangana State Southern Power Distribution Company Limited, Office, 3rd Floor, Mint Compound, Hyderabad, Telangana
3. The Chief General Manager (IPC), Telangana State Southern Power Distribution Company Limited, Office, 3rd Floor, Mint Compound, Hyderabad, Telangana
4. The Superintending Engineer, Operation Circle, TSSPDCL, Suryapet, Telangana

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 1 to 4 in levying and demanding Grid Support Charges (GSC) along with interest thereon for FY 2002-03 to 2008-09 vide Lr. No. CGM(Rev)/GM(R)/SAO(R)/AO(HT)/AAO/JAO/D.No.425/21, dt.10.02.2022 (1st Demand), Lr. No. CGM(Rev)/GM(R)/SAO(R)/AO(HT)/AAO/JAO/D.No.175/22, dt. 02.07.2022 (1st Revised Demand) issued by the 2nd Respondent and final demand notice vide Lr. No. SE/OP/NLG/SAO/HT/D.No.135/23, dt.12.10.2023, issued by the 4th Respondent for an amount of Rs. 31,61,29,354/- (i.e., Principal amount of Rs. 8,58,53,750/- and surcharge thereon i.e., Rs. 23,02,75,604/- upto 28.02.2023) and further directing the petitioner to pay the alleged dues within a period of 15 days, failing which, threatening to disconnect power supply, 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 of CPC, praying that in the circumstances stated in the affidavit filed in the writ petition, the High Court may be pleased to direct the

Respondents 1 to 4 not to take any coercive steps including that of disconnection of power supply to the Petitioner's HT Service Connection No. SPT-105 in pursuance to the demand notices vide Lr. No. CGM (Rev)/GM(R)/SAO(R)/AO(HT)/AAO/JAO/D.No.425/21, dt.10.02.2022, Lr. No. CGM(R)/GM(R)/SAO(R)/AO(HT)/AAO/JAO/D.No.175/22, dt. 02.07.2022, Lr.No. SE/OP/NLG/SAO/HT/D.No.135/23, dt.12.10.2023, issued by the 4th Respondent, pending disposal of WP 29774 of 2023, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed therein, and upon hearing the arguments of Sri Challa Gunaranjan, Advocate for the Petitioner, and of Sri R. Vinod Reddy, SC for the Respondents, 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 to 2008-09 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 installments and there shall be interim stay in so far as the interest amount is concerned.

List this case along with Writ Petition No.31170 of 2021 on 10.11.2023.

//TRUE COPY//

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

SECTION OFFICER

To,

1. The Chairman and Managing Director, Telangana State Southern Power Distribution Company Limited, (TSSPDCL), Mint Compound, Hyderabad, Telangana.
2. The Chief General Manager (Revenue), Telangana State Southern Power Distribution Company Limited, Office, 3rd Floor, Mint Compound, Hyderabad, Telangana
3. The Chief General Manager (IPC), Telangana State Southern Power Distribution Company Limited, Office, 3rd Floor, Mint Compound, Hyderabad, Telangana
4. The Superintending Engineer, Operation Circle, TSSPDCL, Suryapet, Telangana (Addressees 1 to 4 BY RPAD)
5. One CC to Sri Challa Gunaranjan, Advocate (OPUC)
6. One Spare Copy

HIGH COURT

CVBR,J

DATE: 20-10-2023

ORDER

WP. NO. 29774 OF 2023

INTERIM STAY

