

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA & THE STATE OF ANDHRA PRADESH
(Special Original Jurisdiction)

THURSDAY, THE TWENTY NINTH DAY OF JANUARY
TWO THOUSAND AND FIFTEEN

PRESENT

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

WRIT PETITION No.925 of 2015

BETWEEN

M/s.3F Industries Limited,
Rep. by its Assistant General Manager

... PETITIONER

AND

The Eastern Power Distribution Company of Andhra Pradesh Ltd., and
others

...RESPONDENTS

The Court made the following:

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ORDER:

Heard.

2. Petitioner is the transferee company. The amalgamation of the petitioner with the transferor company was approved by this court in C.P.No.85 of 2014, dated 12.08.2014, whereunder the scheme of amalgamation between the transferor company and the transferee company was approved. In terms of the said scheme of amalgamation, all the assets and liabilities of the transferor company vest in the transferee company i.e., the petitioner herein. Petitioner states that the said transferor company was having two service connections under H.T.Category vide E.L.R.No.402 and

E.L.R.No.016. Petitioner states that he is sourcing the power through E.L.R.No.016 and sought termination of service connection E.L.R.No.402. The said transferor company had already kept a security deposit with the respondents. The dispute between the said transferor company and the petitioner relating to FSA adjustment is before the Supreme Court and is *sub judice*. Petitioner, therefore, made a request dated 16.12.2014 to respondent No.3 bringing to his notice the amalgamation of the said two companies and requested to transfer the security deposit held by the transferor company in the name of transferee company i.e., petitioner company, as the entire debts and liabilities of present and future, secured and unsecured as well as the assets vest in the petitioner-transferee company. Alleging that no orders are passed on the said request, the present writ petition is filed.

3. Learned counsel for the petitioner submits that though the said transferor company, which was the consumer under the aforesaid service connection, does not any more exist, still petitioner is being served with the bills for minimum charges in view of the continuation of the said service connection. Therefore, since the said connection is not required, a request for termination of the said service connection was made.

4. Mr.Ananda Seshu, learned Standing Counsel appearing for the respondents states that subject to the liability, to the extent of FSA amount, which is *sub judice* before the Hon'ble Supreme Court, the request of the petitioner for transfer of security deposit will be considered by the respondents.

5. In view of that, respondent Nos.2 and 3 are directed to consider the request of the petitioner for termination of service connection viz., E.L.R.No.402 by transferring the security deposit held by the transferor company to the petitioner company subject to the liability with regard to FSA Amount, which is *sub judice*, being undertaken by the petitioner in the event of losing the said litigation. Petitioner shall also file an appropriate undertaking before respondent Nos.2 and 3 to enable them to accede to the request of the petitioner, as directed above. As soon as such an undertaking is filed, respondent Nos.2 and 3 shall take appropriate action without further loss of

time.

With the above directions, the writ petition is disposed of.

As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

VILAS V. AFZULPURKAR, J

January 29, 2015

Note:-

Furnish copy by two days.

{B/o} LMV