

HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

*THE HONOURABLE Dr.JUSTICE B.SIVA SANKARA RAO

+WRIT PETITION Nos.17501, 17528 and 17536 of 2017

%02.06.2017

W.P.No.17501 of 2017:

#Between:

Sunkoj Bhaskar

...Petitioner

AND

1. The State of Telangana, Rep. by its Principal Secretary to Government, Energy Department, Telangana Secretariat, Hyderabad-500 022 and three others ... Respondents

W.P.No.17528 of 2017:

Between:

M/s. Sri Sai Tirumala Constructions Pvt. Ltd.,

Rep. by its Managing Director V.Tirumala Rao ..Petitioner

AND

1. The State of Telangana, Rep. by its Principal Secretary to Government, Energy Department, Telangana Secretariat, Hyderabad-500 022 and four others ... Respondents

W.P.No.17536 of 2017:

Between:

M/s. Sri Sai Ayyappa Constructions Pvt. Ltd.,

Rep. by its Managing Partner M.P.K.Ravi Kumar ..Petitioner

AND

1. The State of Telangana, Rep. by its Principal Secretary to Government, Energy Department, Telangana Secretariat, Hyderabad-500 022 and three others ... Respondents

!Counsel for the petitioner in W.P.No.17501 of 2017 : Smt.K.V.Rajasree
Standing Counsel for the TSSPDCL: Sri Vinod Reddy

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>Head Note:

? Cases referred:

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

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..Petitioner

AND

1. The State of Telangana, Rep. by its Principal Secretary to Government, Energy Department, Telangana Secretariat, Hyderabad-500 022 and three others ... Respondents

DATE OF JUDGMENT PRONOUNCED: 02.06.2017

SUBMITTED FOR APPROVAL:

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

- | | | |
|---|---|---------|
| 1 | Whether Reporters of Local newspapers may be allowed to see the Judgments? | Yes/ No |
| 2 | Whether the copies of judgment may be marked to Law Reports/ Journals | Yes/ No |
| 3 | Whether Their Ladyship/ Lordship wish to see the fair copy of the Judgment? | Yes/ No |

THE HONOURABLE Dr.JUSTICE B.SIVA SANKARA RAO

WRIT PETITION Nos.17501, 17528 and 17536 of 2017

COMMON ORDER :

The grievance of the petitioners in the respective writ petitions is that the Southern Power Distribution Company of Telangana Limited (TSSPDCL) is not releasing the power supply to their respective buildings on the ground of not producing occupancy certificate.

Heard before admission of the writ petitions the learned counsel for the petitioners respectively and Sri R.Vinod Reddy, learned Standing Counsel for TSSPDCL and also the learned Standing Counsel appeared, no doubt before vakalat and counter and perused the material on record and also the orders passed in similar matters by this Court (other bench).

In the affidavits filed in support of the writ petitions, it is mainly stated that non-release of the electrical consumption/ service connection for the so called non-submission of the occupancy certificate is unjust and unconstitutional, despite the petitioners are willing to give undertakings that in the event of rejection of occupancy certificate, power supply can be unconditionally withdrawn.

In similar circumstances, this Court, on 13.02.2017 and 07.03.2017, while admitting the writ petitions passed interim orders in W.P.MP.No.3057 of 2017 in W.P.No.2608 of 2017 and W.P.M.P.No.11908 of 2017 in W.P.No.9622 of 2017, directing the

respondents to release the power supply to the buildings of the petitioners therein, subject to compliance of the statutory requirements by the petitioners therein and in the event of refusal of grant of occupancy certificate by the Municipal Authorities, it is open to the respondents to withdraw the power supply.

As the above interim orders itself cover the main relief of all these writ petitions, these Writ Petitions can be and accordingly disposed of with direction to the TSSPDCL Authorities to obtain undertaking affidavits and then conditionally release the power supply to the buildings of the petitioners, which is no doubt subject to compliance of all other statutory requirements by the petitioners and with the condition that in the event of refusal of grant of occupancy certificate by the concerned local Authorities viz. Panchayat or Municipality or Municipal Corporation or other Authorities as the case may be within a prescribed period, the respondents withdraw the power supply, without any need of even prior notice for such withdrawal being the conditional one.

Consequently, miscellaneous petitions, if any, pending shall stand closed.

Dr. B.SIVA SANKARA RAO J,

Date:02.06.2017.
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Note: L.R.copy to be marked - yes