HIGH COURT FOR THE STATE OF TELANGANA
(Special Original Jurisdiction)

MONDAY ,THE THIRTEENTH DAY OF JULY
TWO THOUSAND AND TWENTY

PRESENT

THE HONOURABLE SRI JUSTICE K.LAKSHMAN

WRIT PETITION NO: 10135 OF 2020

Between:

M/s Relcon Projects, Rep. by its Managing Director, Sri Ashok Agarwal S/o. Sri Dayanand Agarwal, Aged about 58 years, Occ. Business, R/o A-3, 3rd Floor, Sidhatha Enclave, Road No. 12, Banjara Hills, Hyderabad.

...PETITIONER

AND

1. The State of Telangana, Rep. by its Principal Secretary, Power and Energy Department, Secretariat, Hyderabad -500022.
2. Southern Power Distribution Company, Ltd., of Telangana, Rep. by its Chairman and Managing Director, Mint Compound, Hyderabad
3. Southern Power Distribution Company, Ltd., of Telangana, Rep., by its Superintending Engineer (Operation) Secunderabad Circle, Secunderabad.
4. Greater Hyderabad Municipal Corporation, Rep. by its Commissioner, Tank Bund, Hyderabad

...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 an appropriate Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the Respondents in not releasing the power supply to the petitioner building at premises bearing Southern Portion of Plot.16(appurtenant land of dismantled premises bearing No. 36-65/1/16), Northern Portion of the Open Plot and Plot No. 15/Part (appurtenant land of dismantled premises bearing No. 30-65/1/15)admeasuring 533 sq yards 496 sq yards and 552 sq yards respectively, total admeasuring 2499 sq yards in Sy. No.364, situated at Khanajiguda, Alwal, Alwal Mandal(earstwhile Malkajigiri Mandal), under GHMC Alwal Circle, Medchal - Malkajigiri District (erstwhile Ranga Reddy District), as illegal, null, void, arbitrary and consequently direct the respondents to release the power supply without insisting for occupancy certificate.

IA NO: 1 OF 2020

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 2nd and 3rd Respondents to release the power supply to the petitioner building at premises bearing Southern Portion of Plot No. 16 (appurtenant land of dismantled premises bearing No.30-65/1/16), Northern, Portion of the Open Plot and Plot No.15/Part (appurtenant land of dismantled premises bearing No. 30-/65/1/15) admeasuring 533 sq yards 496 sq yards and 552 sq yards respectively, total admeasuring 2499 sq yards in Sy. No.364, situated at Khanajiguda, Alwal, Alwal Mandal (earstwhile Malkajgiri Mandal), under GHMC Alwal Circle, Medchal - Malkajgiri District (erstwhile Ranga Reddy District).

Counsel for the Petitioner: SRI. HARI KISHAN KUDIKALA
Counsel for the Respondent No. 1: GP FOR ENERGY
Counsel for the Respondent Nos. 2 & 3: SRI. R. VIOND REDDY, SC FOR TSSPDCL
Counsel for the Respondent No. 4: SRI. CHALLA MADHU, SC FOR GHMC

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE K.LAKSHMAN

WRIT PETITION No.10135 OF 2020

ORDER:

This Writ Petition is filed by the petitioner seeking the following relief:

> "..... issue an appropriate Writ, order or direction more particularly, one in the nature of Writ of *Mandamus* declaring the action of the respondents in not releasing the power supply to the petitioner's building at premises bearing Southern Portion of Plot No.16 (appurtenant land of dismantled premises bearingNo.30-65/1/16), Northern Portion of the Open Plot and Plot No.15/Part (appurtenant land of dismantled premises bearing No 30-65/1/15), admeasuring 533 square yards, 496 square yards and 552 square yards respectively, total admeasuring 2499 square yards in Survey No.364, situated at Khanajiguda, Alwal, Alwal Mandal (erstwhile Malkajgiri Mandal) under GHMC Alwal Circle, Medchal – Malkajgiri District (erstwhile Rangareddy District), as illegal, null, void, arbitrary and consequently direct the respondents to release the power supply without insisting for occupancy certificate and to pass such other order or orders...."

2. When the matter is taken up for hearing, it is submitted by learned counsel for the petitioner that the issue raised in the present writ petition is squarely covered by the order dated 20.04.2020 passed by this Court in W.P.No.6030 of 2020.

3. Learned Government Pleader for Energy appearing on behalf of respondent No.1, Sri R.Vinod Reddy, learned Standing Counsel for Telangana State Southern Power Distribution Company Limited appearing on behalf of respondent Nos.2 and 3 and Sri Chatla Madhu, learned Standing

Counsel for GHMC appearing on behalf of respondent No.4 do not dispute the aforesaid submission.

4. In view of the above submissions and for the reasons alike in the said order, this Writ Petition is disposed of directing the respondents to release power supply to the premises of the petitioner subject to the compliance of terms and conditions and on furnishing an undertaking to produce occupancy certificate from the Greater Hyderabad Municipal Corporation (GHMC) within a prescribed period, and if no such occupancy certificate is produced within such period, it is open to the respondents to take appropriate action in accordance with law. However, there shall be no order as to costs.

As a sequel, miscellaneous petitions, if any, pending in the writ petition shall stand closed.

SD/-CH.VENKATESWARULU
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, Power and Energy Department, State of Telangana, Secretariat, Hyderabad -500022.
2. The Chairman and Managing Director, Southern Power Distribution Company, Ltd., of Telangana, Mint Compound, Hyderabad
3. The Superintending Engineer (Operation), Southern Power Distribution Company, Ltd., of Telangana, Secunderabad Circle, Secunderabad.
4. The Commissioner, Greater Hyderabad Municipal Corporation, Tank Bund, Hyderabad
5. One CC to Sri. Harikishan Kukikala, Advocate (OPUC)
6. One CC to Sri. R. Vinod Reddy, SC for TSSPDCL (OPUC)
7. One CC to Sri. Chatla Madhu, SC for GHMC (OPUC)
8. Two CD Copies.
   (Along with a copy of order dated 20/4/2020 in WP.No. 6030 of 2020.)

PM

HIGH COURT

DATED:13/07/2020

ORDER

WP.No.10135 of 2020



DISPOSING OF THE WP
WITHOUT COSTS.

SSV
9 Copies
Dt 18/7/2020