

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

MONDAY, THE FOURTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY

PRESENT

THE HON'BLE SRI JUSTICE A.ABHISHEK REDDY

WRIT PETITION NO: 14613 OF 2020

Between:

M/s.Saanvee Homes, A registered Partnership firm Represented by its Partner Yelagandula Devender S/o Y. Ramulu, Aged 53 years, Occ.Business, R/o. H.No.10-2-41, Flat No.201, Vasavi Exotica, West Marredpally, Secunderabad

...PETITIONER

AND

1. The State of Telangana, Represented by its Principal Secretary, Energy, Secretariat Building, Saifabad, Hyderabad
2. The Southern Power Distribution Company of Telangana State Ltd., Represented by its Managing Director, Vidyut Souda, Khairatabad, Hyderabad
3. The Divisional Engineer, Operations, Secunderabad cantonment Division, Telangana State Southern Power Distribution Company Limited.
4. The Assistant Divisional Engineer (Operations), Lalbazar Sub Division, R.P. Nilayam Lothukunta Secunderabad Telangana State Southern Power Distribution Company Limited
5. The Assistant Engineer (Operations), Bollaram, Secunderabad Telangana State Southern Power Distribution Company Limited
6. The Greater Hyderabad Municipal Corporation, Represented by its Deputy Commissioner, Alwal Circle, Alwal, Medchal Malkajgiri District.

...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, Order or direction, more particularly one in the nature of a Writ of Mandamus declaring the in action of the respondents more particularly the 2nd respondent in not releasing LT supply to 60 Nos. 3-Ph 5KW and 1 No 3-Ph domestic service of 20KW in addition to the existing 1 No. 3-Ph 68KW temporary supply service (AZ020363) total load of 388 KW (60*5 = 300 KW + 20 KW proposed + 68 KW existing) to Saanvee Homes in Sy.No.140/A, Macha Bollaram in Bollaram section Lal Bazar, Sub-Division, pursuant to letter issued by 2nd respondent vide letter No.SE/OP/Sec-Bad/Comml/SR.No.73/19-20/D.No.1469/19-20 dt. 31/12/2019 as illegal, arbitrary and without jurisdiction, excessive and gross misuse of power and in violation of Principles of natural justice and also contrary to the Provisions of Electricity Act, 2003, besides violation of rights guaranteed under Articles 14, 19 (1) (g) and 300-A of Constitution of India, and consequently direct the respondents for releasing LT supply to 60 Nos. 3-Ph 5KW and 1 No 3-Ph domestic service of 20KW in addition to the existing 1 No. 3-Ph 68KW temporary supply service (AZ020363) total load of 388 KW (60*5 = 300 KW + 20 KW proposed + 68 KW existing) to Saanvee Homes in Sy.No.140/A, Macha Bollaram in Bollaram section Lal Bazar, Sub-Division, pursuant to letter issued by 2nd respondent vide letter No. SE/OP/Sec-Bad/Comml/SR.No.73/19-20/D.No.1469/19-20 dt. 31/12/2019.

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 Respondent in releasing LT supply to 60 Nos. 3-Ph 5KW and 1 No 3-Ph domestic service of 20KW in addition to the existing 1 No. 3-Ph 68KW temporary supply service (AZ020363) total load of 388 KW (60*5 = 300 KW + 20 KW proposed + 68 KW existing) to Saanvee Homes in Sy.No.140/A, Macha Bollaram in Bollaram section Lal Bazar, Sub-Division forthwith, pursuant to letter issued by 2nd respondent vide letter No.SE/OP/Sec-bad/CommI/SR.No.73/19-20/D.No.1469/19-20 dt. 31/12/2019.

Counsel for the Petitioner: SRI N. MANOHAR

Counsel for the Respondent No.1: GP FOR ENERGY

Counsel for the Respondent No.2 to 5: SRI R. VINOD REDDY, S.C. FOR TRANSCO

Counsel for the Respondent No.6: SRI CHATLA MADHU, S.C. FOR G.H.M.C.

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE A.ABHISHEK REDDY

WRIT PETITION No.14613 of 2020

ORDER:

Heard the learned counsel for the petitioner, learned Government Pleader for Energy for respondent No.1, Sri R.Vinod Reddy, learned Standing counsel for Telangana State Southern Power Supply Distribution Company Limited appearing for respondent Nos.2 to 5, and Sri Chatla Madhu, learned Standing counsel, appearing for respondent No.6. With their consent, the Writ Petition is disposed of at the stage of admission itself.

When the matter is taken up for hearing, the learned counsel for the petitioner has submitted that the issue raised in the present writ petition is squarely covered by the order passed this Court in W.P.No.26085 of 2018, dated 26.07.2018, and W.P.No.6030 of 2020, dated 20.04.2020.

The above said submission is not disputed by the learned Standing Counsels appearing for the respondents herein.

In view of the same and for the reasons alike in the order dated 26.07.2018, passed in W.P.No.26085 of 2018, the present Writ Petition is disposed of directing the respondents to release the power supply to the premises of the petitioner, subject to compliance of the terms and conditions and on furnishing an undertaking to produce the occupancy certificate from the concerned Municipal Corporation, 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.

The miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

SD/-N.CHANDRA SEKHAR RAO
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, Energy, State of Telangana, Secretariat Building, Saifabad, Hyderabad
2. The Managing Director, Southern Power Distribution Company of Telangana State Ltd., Vidyut Souda, Khairtabad, Hyderabad
3. The Divisional Engineer, Operations, Secunderabad cantonment Division, Telangana State Southern Power Distribution Company Limited.
4. The Assistant Divisional Engineer (Operations), Lalbazar Sub Division, R.P. Nilayam Lothukunta Secunderabad Telangana State Southern Power Distribution Company Limited
5. The Assistant Engineer (Operations), Bollram, Secunderabad Telangana State Southern Power Distribution Company Limited
6. The Deputy Commissioner, Greater Hyderabad Municipal Corporation, Alwal Circle, Alwal, Medchal Malkajgiri District
7. One CC to Sri N. Manohar, Advocate [OPUC]
8. Two CCs to GP for Energy, High Court for the State of Telangana. [OUT]
9. One CC to Sri R. Vinod Reddy, S.C. for TRANSCO [OPUC]
10. One CC to Sri Challa Madhu, S.C. For G.H.M.C. [OPUC]
11. Two CD Copies.

Along with a Copy of the Order dated 26.07.2018 in W.P.No.26085 of 2018 and
Along with a Copy of the Order dated 20.04.2020 in W.P.No.6030 of 2020

MP

HIGH COURT

DATED:14/09/2020



ORDER

WP.No.14613 of 2020

DISPOSING OF THE WRIT PETITION
WITHOUT COSTS

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19/09/2020