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

WEDNESDAY, THE NINTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY

PRESENT

THE HON'BLE SRI JUSTICE A.ABHISHEK REDDY

WRIT PETITION NO. 22364 OF 2020

Between:

1. C.Damodara Dass, S/o. Late C.Dass, Aged about 67 years, R/o. Flat No.6, Block No.1, HIG-II, Baghlingampally, Hyderabad.
2. C.Bhaskar Dass, S/o. Late C.Dass, Aged about 61 years, R/o. H.No.8-3-226/2, Yousufguda, Hyderabad.
3. C.Natesh Dass, S/o. Late C.Dass, Aged about 58 years, R/o. H.No.8-3-226/2, Yousufguda, Hyderabad.

Rep by their Development Agreement - cum - Special Power of Attorney Holders

M/s.Sai Krishna Constructions A Partnership, having its Regd. Office at H.No.8-3-988/4 & 18, Sri Pada Towers, SBH Quarters, Srinagar Colony, Hyderabad Represented by its Managing Partner and Partner

i) P.Babu Rao, S/o. P.L.Perumallu, Aged about 47 years, Occ: Builder, R/o. Flat No.603, Sree Pada Towers, H.No.8-3-988/4 & 18, Sri Pada Towers, SBH Quarters, Srinagar Colony, Hyderabad.

ii) Thakur Naveen Sing, S/o Thakur Kishan Singh, Aged about 43 years, Occ: Business, R/o. Plot No.724/6, Road No.25, Jubilee Hills, Hyderabad 500 033.

...PETITIONERS

AND

1. The State of Telangana, Represented by its Principal Secretary, Department of Energy, Secretariat, Hyderabad.
2. Telangana State Southern Power Distribution Company Limited, TS Transco Building, Somajiguda, Hyderabad.
3. The Superintending Engineer (Operation), Telangana State Southern Power Distribution Company Limited, Banjara Hills Circle, Hyderabad.
4. The Greater Hyderabad Municipal Corporation, Having its Office at Lower Tank Bund, Hyderabad, Represented by its Commissioner.

...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 of mandamus or any other appropriate Writ or Writs, Order or Orders declaring the action of Respondent No.3 in insisting the Petitioners to get Occupancy Certificate from the Respondent No.4 for the purpose extension of Power Supply to 20 Nos 3-Phase Domestic Load of 5 KW each in existing 1 No. 3-Phase Non - Domestic Load of 3 KW and thus making a total load of 100 KW in respect of House No.8-3-226/2 and 8-3-226/2/A, admeasuring 1170 sq.yds or 982 sq.mts, situated at Yousufguda, Hyderabad belongs to Petitioners as it being illegal, arbitrary, unjustified and violative of Article 14 of the Constitution of India and consequently

direct the Respondent No.3 to extend the Power Supply to the above said property without insisting for production of Occupancy Certificate from the Respondent No.4.

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 Respondent Nos.2 & 3 to extend Power Supply to 20 Nos 3-Phase Domestic Load of 5 KW each in existing 1 No. 3-Phase Non-Domestic Load of 3 KW and thus making a total load of 100 KW in respect of House No.8-3-226/2 and 8-3-226/2/A, admeasuring 1170 sq.yds or 982 sq.mts, situated at Yousufguda, Hyderabad belongs to Petitioners without insisting for production of Occupancy Certificate from the Respondent No.4.

Counsel for the Petitioners: SRI P. ACHUTHAM REDDY

Counsel for the Respondent No.1: GP FOR ENERGY

Counsel for the Respondent No.2 & 3: SRI R. VINOD REDDY, S.C. FOR T.S.S.P.D.C.L

Counsel for the Respondent No.4: SRI PASHAM KRISHNA REDDY, S.C. FOR GHMC

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE A.ABHISHEK REDDY

WRIT PETITION No.22364 of 2020

ORDER:

Heard the learned counsel for the petitioners, Sri R.Vinod Reddy, learned Standing counsel for Telangana State Southern Power Distribution Company Limited appearing for respondent Nos.1 to 3, and Sri Pasham Krishna Reddy, learned Standing counsel, appearing for respondent No.4. 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 petitioners has submitted that the issue raised in the present writ petition is squarely covered by the orders 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 petitioners, 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/-M.RAMANA KRISHNA
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, Department of Energy, State of Telangana, Secretariat, Hyderabad.
2. The Telangana State Southern Power Distribution Company Limited, TS Transco Building, Somajiguda, Hyderabad.
3. The Superintending Engineer (Operation), Telangana State Southern Power Distribution Company Limited, Banjara Hills Circle, Hyderabad.
4. The Commissioner, Greater Hyderabad Municipal Corporation, Having its Office at Lower Tank Bund, Hyderabad.
5. One CC to Sri P. Achutham Reddy, Advocate [OPUC]
6. Two CCs to GP for Energy, High Court for the State of Telangana at Hyderabad. [OUT]
7. One CC to Sri R. Vinod Reddy, S.C. For T.S.S.P.D.C.L. (OPUC)
8. One CC to Sri Pasham Krishna Reddy, S.C. For GHMC (OPUC)
9. Two CD Copies.

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

MP

HIGH COURT

DATED:9/12/2020

ORDER

WP.No.22364 of 2020



DISPOSING OF THE WRIT PETITION
WITHOUT COSTS

DT:15/12/2020.

THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

WRIT PETITION No.26085 of 2018

O R D E R:

Heard counsel for the petitioner, Sri R. Vinod Reddy, Standing Counsel for Telangana State Southern Power Distribution Corporation Limited, appearing for respondents 1 to 3, and Sri L.Venkateshwar Rao, Standing Counsel for Greater Hyderabad Municipal Corporation, appearing for 4th respondent.

2. It is stated by learned counsel appearing for the petitioner as well as Sri R.Vinod Reddy, Standing counsel appearing for respondent Nos.1 to 3 that the issue in this Writ Petition is covered by the order of this Court dt.23.03.2018 in W.P.No.9789 of 2018.

3. Therefore for reasons alike, this Writ Petition is also disposed of with a direction to the respondents to release the power supply to the premises of the petitioner subject to the 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. There shall be no order as to costs

4. Consequently, miscellaneous petitions pending, if any, shall stand dismissed.

M.S.RAMACHANDRA RAO, J

26th July, 2018.

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