

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

**MONDAY, THE THIRTY FIRST DAY OF OCTOBER
TWO THOUSAND AND TWENTY TWO**

PRESENT

THE HONOURABLE SRI JUSTICE K. SARATH

WRIT PETITION NO: 13160 OF 2016

Between:

Sardar Power Pvt. Ltd.,, having its registered office at 104 Swarganivas
Enclave, 7-1 619/A, East Srinivas Nagar, Ameerpet, Hyderabad 500038

...PETITIONER

AND

1. Andhra Pradesh Electricity Regulatory Commission, 11-4-660, 4th Floor,
Singareni Bhavan, Red Hills, Hyderabad 500004.
2. Eastern Power Distribution Co. of A.P. Ltd.,, P and T Colony,
Seethammadhara, Visakhapatnam 530013

...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 mandamus - (a) Declaring the order dated 23.08.2014 passed by the erstwhile Andhra Pradesh Electricity Regulatory Commission purporting to determine the tariff of mini hydel power projects to take effect on completion of 10 years of operation as void, non est in law and/or illegal and contrary to law and to consequently set aside the same absolutely or so far as the Petitioner is concerned; and (b) Declaring that the Petitioner and/or the 2nd Respondent licensee are entitled to make an appropriate application at a time reasonably proximate to the time of completion of 10 years of operation for determination of tariff for the 11th and subsequent years of operation with specific reference to the Petitioner's power project and relevant conditions obtaining at such time, and to

direct the 1st Respondent Commission to consider and decide upon such application according to law

I.A. NO: 1 OF 2016(WPMP. NO: 5048 OF 2016)

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 vacate the interim orders passed dated 21.04.2016 in WPMP No. 16474 of 2016 in W.P No.13160 of 2016

IA NO: 1 OF 2021

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 dispose the W.P.No.13160 of 2016 in terms of the Order dt. 20/01/2016 in Appeal No.268 of 2014 by the Appellate Tribunal for Electricity (APTEL) enabling the Petitioner to pursue fixation of 11th to 20th year Tariff for its Hydel Project in O.P.No.22 of 2020 before the 1st Respondent

I.A. NO: 2 OF 2016(WPMP. NO: 16474 OF 2016)

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 suspend the operation of the impugned order dated 23.08.2014 passed by the erstwhile Andhra Pradesh Electricity Regulatory Commission in so far as the Petitioner is concerned.

Counsel for the Petitioner : SRI. KATRAGADDA GOPAL CHOUDARY

Counsel for the Respondents : SRI M RAVINDRA (SC FOR APEPDCL)

The Court made the following : ORDER

THE HONOURABLE SRI JUSTICE K.SARATH

WRIT PETITION No. 13160 of 2016

ORDER:

Learned counsel appearing for the petitioner seeks permission to withdraw the writ petition to avail the remedies to pursue O.P.No.22 of 2020.

2. Accordingly, permission is granted as sought for. The writ petition is dismissed as withdrawn. However, there shall be no order as to costs.

3. Miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

SD/- N. CHANDRA SEKHAR RAO
ASSISTANT REGISTRAR
[Signature]
SECTION OFFICER

//TRUE COPY//

To,

1. Andhra Pradesh Electricity Regulatory Commission, #11-4-660, 4th Floor, Singareni Bhavan, Red Hills, Hyderabad 500004.
2. Eastern Power Distribution Co. of A.P. Ltd., P&T Colony, Seethammadhara, Visakhapatnam 530013
3. One CC to SRI. KATRAGADDA GOPAL CHOUDARY Advocate [OPUC]
4. One CC to SRI. M RAVINDRA (SC FOR APEPDCL) Advocate [OPUC]
5. One Spare Copy
6. Two CD Copies

SB

BSR

HIGH COURT

DATED : 31/10/2022

ORDER

WP.No.13160 of 2016



DISMISSING THE WRIT PETITION
AS WITHDRAWN
WITHOUT COSTS

8
07/01/23
BSR