

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

**FRIDAY, THE TWENTY NINTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY THREE**

PRESENT

THE HONOURABLE SRI JUSTICE NAGESH BHEEMAPAKA

WRIT PETITION NO: 27072 OF 2022

Between:

1. Mytrah Energy (India) Pvt Ltd, 8001, 8th Floor, Q City, Survey No 109, Nanakramguda, Gachibowli, Hyderabad - 500 081, Represented by its authorized signatory, Mr. Ramdev Bang S/o Omprakash Bang, aged about 38 years.
2. Mytrah Abhinav Power Private Limited, 8001, 8th Floor, Q City, Survey No 109, Nanakramguda, Gachibowli, Hyderabad - 500 081, Represented by its authorized signatory, Mr. Ramdev Bang S/o Omprakash Bang, aged about 38 years.

.....PETITIONERS

AND

1. Northern Power Distribution Company of Telangana, Represented by its Managing Director Nakkalagunta, Vidyut Bhavan, H.No 2-5-31/2, Hanamkonda, Warangal District.
2. Southern Power Distribution Company of Telangana, Represented by its Managing Director 6-1-50, Mint Compound, Hyderabad, 500063.
3. Transmission Corporation of Telangana, Represented by its Joint Director, Vidyut Soudha, Khairathabad, Hyderabad 500082.
4. Union of India, Represented by its Secretary, Ministry of New and Renewable Energy Block-14, CGO Complex, Lodhi Road, New Delhi- 110003.
5. Reserve Bank of India, Through its CGM and Secretary, Secretaries Department, 16th Floor, Central Office Building, Shahid Bhagat Singh Marg, Mumbai-400001.
6. Central Electricity Authority, Represented by its Chairman Sewa Bhavan, R.K. Puram, New Delhi, 110066.
7. Punjab National Bank, Large Corporate Branch 8-2-672, Sufi Chambers, Road No. 1, Banjara Hills, Hyderabad - 500034.
8. Indian Renewable Energy, Development Agency Limited (IREDA) 3rd Floor, August Kranti Bhawan, Bhikaji Cama Place, New Delhi- 110066, Delhi, India.

9. Tata Cleantech Capital Limited, (TCCIL) Forbes, DR. V.B. Gandhi Marg, Mumbai- 400001, Maharashtra, India Branch Office at. i-Think Techno Campus, A-Wing, 4th Floor, Off Pokhran Road 2, Thane (W)- 400607, Maharashtra, India.
10. India Infrastructure Finance Company Limited, (IIFCL) 5th Floor, Block 2, Plate A and B, NBCC Tower, East Kidwai Nagar New Delhi- 110001, Delhi, India.
11. State of Telangana, Represented by its Secretary, Energy Department, 5th Floor, Burugula Rama Krishna Rao Bhavan, Adarsh Nagar, 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 a writ, order or direction in the nature of Mandamus. Directing the Respondents No. 1-3 to make payment to the 2nd Petitioner of an amount of Rs.113.46 Crores (Rupees One Hundred and Thirteen Crores and Forty Six Lakhs) along with the applicable late payment sur-charge which is due under the following agreements. (a) Power Purchase Agreement dated 23.02.2016 entered into with the 2nd Respondent for the Alampur Project), (b) Power Purchase Agreement dated 23.02.2016 entered into with the 2nd Respondent for the Arvapally Project, (c) Power Purchase Agreement dated 08.03.2016 entered into with the 1st Respondent for the Domakonda Project, (d) Power Purchase Agreement dated 23.02.2016 entered into with the 2nd Respondent for the Gadwal Project, (e) Power Purchase Agreement dated 23.02.2016 entered into with the 2nd Respondent for the Nagarkarnool Project, (f) Power Purchase Agreement dated 23.02.2016 entered into with the 2nd Respondent for the Tandur Project. (g) Power Purchase Agreement dated 23.02.2016 entered into with the 2nd Respondent for the Thimmajipet Project. Directing the Respondent No. 7-11 to refrain from taking any coercive steps/ actions including declaring/classifying the account of the 2nd Respondent as a Non-performing Asset in relation to the loans extended to the 2nd Petitioner for the Projects till the Respondent Nos. 1-3 makes payments of the outstanding dues to 2nd Petitioner in accordance with prayer.

I.A.NO:1 OF 2022

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 restrain the Respondent No. 7-10 from taking any coercive action against the

Petitioners including declaration/classification of the Petitioners account as a Non Performing Asset.

I.A.NO:2 OF 2022

Between

Tata Cleantech Capital Limited, (TCCIL) Forbes, DR. V.B. Gandhi Marg, Mumbai-400001, Maharashtra, India Branch Office at. i-Think Techno Campus, A-Wing, 4th Floor, Off Pokhran Road 2, Thane (W)- 400607, Maharashtra, India.

....VACATE PETITIONER/RESPONDENT No.9

AND

1. Mytrah Energy (India) Pvt Ltd, 8001, 8th Floor, Q City, Survey No 109, Nanakramguda, Gachibowli, Hyderabad - 500 081, Represented by its authorized signatory, Mr. Ramdev Bang S/o Omprakash Bang, aged about 38 years.
2. Mytrah Abhinav Power Private Limited, 8001, 8th Floor, Q City, Survey No 109, Nanakramguda, Gachibowli, Hyderabad - 500 081, Represented by its authorized signatory, Mr. Ramdev Bang S/o Omprakash Bang, aged about 38 years.

.....PETITIONERS/RESPONDENTS

3. Northern Power Distribution Company of Telangana, Represented by its Managing Director Nakkalagunta, Vidyut Bhavan, H.No 2-5-31/2, Hanamkonda, Warangal District.
4. Southern Power Distribution Company of Telangana, Represented by its Managing Director 6-1-50, Mint Compound, Hyderabad, 500063.
5. Transmission Corporation of Telangana, Represented by its Joint Director, Vidyut Soudha, Khairathabad, Hyderabad 500082.
6. Union of India, Represented by its Secretary, Ministry of New and Renewable Energy Block-14, CGO Complex, Lodhi Road, New Delhi- 110003.
7. Reserve Bank of India, Through its CGM and Secretary, Secretaries Department, 16th Floor, Central Office Building, Shahid Bhagat Singh Marg, Mumbai-400001.
8. Central Electricity Authority, Represented by its Chairman Sewa Bhavan, R.K. Puram, New Delhi, 1100666.
9. Punjab National Bank, Large Corporate Branch 8-2-672, Sufi Chambers, Road No. 1, Banjara Hills, Hyderabad – 500034.
10. Indian Renewable Energy, Development Agency Limited (IREDA) 3rd Floor, August Kranti Bhawan, Bhikaji Cama Place, New Delhi- 110066, Delhi, India.
11. India Infrastructure Finance Company Limited, (IIFCL) 5th Floor, Block 2, Plate A and B, NBCC Tower, East Kidwai Nagar New Delhi- 110001, Delhi, India.

12. State of Telangana, Represented by its Secretary, Energy Department, 5th Floor, Burugula Rama Krishna Rao Bhavan, Adarsh Nagar, Hyderabad.

(R 7 to R 11 are not necessary parties to this vacate stay petition)

....RESPONDENTS/RESPONDENTS

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 order dated 27.06.2022 in Writ Petition No.27072 of 2022 against Respondent No.9.

I.A.NO:3 OF 2022

Between

Indian Renewable Energy, Development Agency Limited (IREDA) 3rd Floor, August Kranti Bhawan, Bhikaji Cama Place, New Delhi- 110066, Delhi, India.

.....PETITIONER/RESPONDENT -8

AND

1. Mytrah Energy (India) Pvt Ltd, 8001, 8th Floor, Q City, Survey No 109, Nanakramguda, Gachibowli, Hyderabad - 500 081, Represented by its authorized signatory, Mr. Ramdev Bang S/o Omprakash Bang, aged about 38 years.
2. Mytrah Abhinav Power Private Limited, 8001, 8th Floor, Q City, Survey No 109, Nanakramguda, Gachibowli, Hyderabad - 500 081, Represented by its authorized signatory, Mr. Ramdev Bang S/o Omprakash Bang, aged about 38 years.

.....PETITIONERS/PETITIONERS

3. Northern Power Distribution Company of Telangana, Represented by its Managing Director Nakkalagunta, Vidyut Bhavan, H.No 2-5-31/2, Hanamkonda, Warangal District.
4. Southern Power Distribution Company of Telangana, Represented by its Managing Director 6-1-50, Mint Compound, Hyderabad, 500063.
5. Transmission Corporation of Telangana, Represented by its Joint Director, Vidyut Soudha, Khairathabad, Hyderabad 500082.
6. Union of India, Represented by its Secretary, Ministry of New and Renewable Energy Block-14, CGO Complex, Lodhi Road, New Delhi- 110003.
7. Reserve Bank of India, Through its CGM and Secretary, Secretarys Department, 16th Floor, Central Office Building, Shahid Bhagat Singh Marg, Mumbai-400001.
8. Central Electricity Authority, Represented by its Chairman Sewa Bhavan, R.K. Puram, New Delhi, 110066.

9. Punjab National Bank, Large Corporate Branch 8-2-672, Sufi Chambers, Road No. 1, Banjara Hills, Hyderabad – 500034.
10. Tata Cleantech Capital Limited, (TCCII) Forbes, DR. V.B. Gandhi Marg, Mumbai- 400001, Maharashtra, India Branch Office at. i-Think Techno Campus, A-Wing, 4th Floor, Off Pokhran Road 2, Thane (W)- 400607, Maharashtra, India.
11. India Infrastructure Finance Company Limited, (IIFCL) 5th Floor, Block 2, Plate A and B, NBCC Tower, East Kidwai Nagar New Delhi- 110001, Delhi, India.
12. State of Telangana, Represented by its Secretary, Energy Department, 5th Floor, Burugula Rama Krishna Rao Bhavan, Adarsh Nagar, Hyderabad.

(Respondents 3 to 12 are not necessary parties to this petition)

.....RESPONDENTS/RESPONDENTS

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 stay granted against Respondent No.8 dated 27/06/2022 in W.P.No.27072 of 2022, pending disposal of the above writ petition.

I.A.NO:1 OF 2023

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 permit the Petitioners herein to withdraw WP.No.27072 of 2022 with liberty to the Petitioners to avail appropriate remedies available to them in law.

Counsel for the Petitioners : SRI MALLU NETHAN REDDY

Counsel for the Respondent No.1 : SRI ZAKIR ALI DANISH

Counsel for the Respondent Nos.2 & 3 : SRI R.VINOD REDDY

Counsel for the Respondent No.4 : --

Counsel for the Respondent Nos.5, 6 & 10 : ---

Counsel for the Respondent Nos.7 to 9 : SRI M.SATYANARAYANA

Counsel for the Respondent Nos.11 & 12 : G.P FOR ENERGY

The Court made the following ORDER

THE HONOURABLE SRI JUSTICE NAGESH BHEEMAPAKA

WRIT PETITION No.27072 OF 2022

ORDER:

Today when the matter is taken up for hearing, learned counsel for the petitioners sought permission to withdraw the Writ Petition.

In view of the submission made by the learned counsel for the petitioners, permission as sought for is accorded.

Accordingly, the Writ Petition is dismissed as withdrawn. There shall be no order as to costs.

Pending miscellaneous applications, if any, shall stand closed.

//TRUE COPY//

SD/-T. JAYASREE
ASSISTANT REGISTRAR

SECTION OFFICER

To

1. Two CC's to G.P For Energy, High Court for the State of Telangana at Hyderabad. (OUT)
2. One CC to Sri Mallu Nethan Reddy, Advocate [OPUC]
3. One CC to Sri Zakir Ali Danish, Advocate [OPUC]
4. One CC to Sri R.Vinod Reddy, Advocate (OPUC)
5. One CC to Sri M.Satyanarayana, Advocate (OPUC)
6. Two CD Copies

SA
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HIGH COURT

DATED:29/12/2023

ORDER

WP.No.27072 of 2022



DISMISSING THE W.P

AS WITHDRAWN WITHOUT COSTS.

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12/2/24.