IN THE HIGH COURT OF ANDHRA PRADESH: AT AMARAVATI

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WRIT PETITION No.15166 OF 2010

Between:-

M/s. Andhra Ferro Alloys Ltd., Vizianagaram Dist., ... Petitioner

AND

The Transmission Corp of A.P. Ltd., Hyderabad &
8 others. …Respondents

DATE OF ORDER PRONOUNCED: 06.11.2026

HON'BLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

1.	Whether Reporters of Local Newspapers may be allowed to see the Judgments?	:	Yes/No
2.	Whether the copies of judgment may be marked to Law Reports/Journals?	:	Yes/No
3.	Whether Their Ladyship/Lordship wish to see the fair copy of the Judgment?	:	Yes/No

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JUSTICE VENKATESWARLU NIMMAGADDA

***HON'BLE SRI JUSTICE VENKATESWARLU NIMMAGADDA**

+ WRIT PETITION No.15166 OF 2010

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Between

M/s. Andhra Ferro Alloys Ltd., Vizianagaram Dist., ... Petitioner

AND

The Transmission Corp of A.P. Ltd., Hyderabad &
8 others. …Respondents

! Counsel for the petitioner : Mr. C. Chandra Sekhar Rao

^Counsel for respondents : Srinivas Dammalapati,
Ld. Advocate General for R.1.

Sri Metta Chandrasekhara Rao, for R.2.
Sri V.V.Satish, for R.3 and R.7

< Gist:

- Head Note:

? Cases Referred:

Date of reserved for orders : 07.08.2026
Date of pronouncement : 06.11.2026
Date of uploading : 16.11.2026

APHC010158242010

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)

FRIDAY, THE 6th DAY OF NOVEMBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

WRIT PETITION NO: 15166 OF 2010

Between:

1. M/S. ANDHRA FERRO ALLOYS LTD., VIZIANAGARAM DIST., Garbham Vilage, Metakumudidan Mandal, Vizianagaram district Rep. by its Managing Director B.Kandelwal

...Petitioner

AND

1. THE TRASMISSION CORP OF A P LTD HYD 8 OTHRS, Rep. by its Chairman and Managing Director Vidyut Soudha, Hyderabad

2. The Chief Engineer Construction, Transmission Corporation of a.P. LTd., Vidyut Souudha Hyderabad

3. The Chief Engineer TL SS, Transmission Corporation of a.P. LTd., Visakhapatnam

4. The Superintending Engineer TL SS, Transmission Corporation of a.P. LTd., Gajuwaka, Visakhapatnam

5. The Eastern Power Distribution Company of A P Ltd, Rep. bvy its Chief Managing Director Sithammadhara Visakhapatnam

6. the Chief General Manager Commercial, Eastern Power Distribution Company of A.P. Ltd., Sithammadhara Visakhapatnam

7. The Superintending Engineer, Operation Circle, Eastern Power Distribution Company of A.P.Ltd., Vizianagaram

8. M/s Jayalakshmi Ferro Alloys Pvt Ltd, Rep. by its Manaigng Director Pedabantupalli Village, Garla Mandal, Vizianagaram District

9. A P Electricity Rgulatory Commission rep by its Seceretary, Singareni Bhavan, Red Hills, Hyderabad. R-9 is impleaded as per Court order dated 27/04/12 in WPMP.nO.39472/10

...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 topleased to issue a writ or order or direction more particularly one in the nature of Writ of Mandamus declaring the Order in RP Nos.1 to 4, dated 24-08-2005 of the Respondents as highly illegal, arbitrary, unjust and contrary to Sections 43, 46, 181 and 182 of the Electricity Act, 2003 and consequently set aside the same and further declare the action of the respondents 1 to 7 in extending power supply from 132 KV Lines exclusively laid from Garividi Sub-station to Petitioner's factory for the Petitioner as illegal, arbitrary and contrary to Regulation No.5 of the APERC (Licensee's) Duty for Supply of Electricity Requisition, 2004 and Articles 14, 19 and 300-A of the Constitution of India and pass Prayer amended as per Courts Order Dt. 07.08.2026 in I.A.No.05 of 2010

Counsel for the Petitioner: G CHANDRA SHAKHAR RAO

Counsel for the Respondents: D V NAGARJUNA BABU

Counsel for the Respondents: METTA CHANDRASEKHARA RAO
Counsel for the Respondents: V V SATISH (SC for APEPDCL)

Counsel for the Respondents: SRINIVAS DAMMALAPATI

THE HONOURABLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

WRIT PETITION NO: 15166 OF 2010

The Court made the following order:

Heard learned counsel for the Writ Petitioner and learned Standing Counsel for the Respondents.

2. This Writ Petition is filed seeking the following relief:

> *"For the reasons stated above, the High Court may be pleased to issue a writ or order or direction more particularly one in the nature of Writ of Mandamus declaring the Order in RP Nos.1 to 4, dated 24-08-2005 of the Respondents as highly illegal, arbitrary, unjust and contrary to Sections 43, 46, 181 and 182 of the Electricity Act, 2003 and consequently set aside the same and further declare the action of the respondents 1 to 7 in extending power supply from 132 KV Lines exclusively laid from Garividi Sub-station to Petitioner's factory for the Petitioner as illegal, arbitrary and contrary to Regulation No.5 of the APERC (Licensee's) Duty for Supply of Electricity Requisition, 2004 and Articles 14, 19 and 300-A of the Constitution of India and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case."*
>
> (*Prayer amended as per Courts Order Dt. 07.08.2026 in I.A.No.05 of 2010)*

3. It is the case of the writ petitioner that petitioner is a private limited company which has set up an industrial unit in Visakhapatnam District. The said industrial unit is engaged in the manufacture of High Carbon Ferro Chrome and other alloys. For industrial purpose, the petitioner had applied for H.T. power supply with a CMD of 10,500 KVA (10.5 MVA) at 132 KV voltage level with the respondents, which load was sanctioned by the respondents at the estimated cost of Rs.310.63 crores by extending 132 KV power supply to the petitioner's plant at Garbham village in Vizianagaram District by laying an independent/exclusive feeder for the petitioner from Garvidi Sub-Station of the

Respondent No.1, which is 10.783 Kms away from the petitioner's factory. On 23.09.1994, the Chief Engineer (Construction) Transmission Corporation of A.P Ltd. (Respondent No.2) had sanctioned the above requested load to the petitioner company. Thereafter, the Respondent Nos. 1 to 7 permitted the petitioner to execute service line works on turn key basis on condition of petitioner paying Rs.31,00,000/- being 10% of the estimated cost of service lines. Accordingly, the petitioner had paid Rs.31,00,000/- towards supervision charges and got the service line works executed by spending Rs.3.11 crores as per the estimate made by the respondent. Apart from that the respondent also collected a sum of Rs.91.50 lakhs towards non-refundable development charges for providing power supply to the petitioner's unit. While things stood thus, to the utter surprise, the respondents are intending to provide power supply by tapping the power from the independent feeder to M/s. Jayalakshmi Ferro Alloys Pvt. Ltd (Respondent No.8). Thereafter, the petitioner had submitted a representation dated 09.06.2010 stating that in case the connectivity for 132 KV is being provided to Respondent No.8 from the 132 sub-station constructed by the petitioner's cost, the total expenditure incurred by them should be shared on 50% basis and requested to arrange for reimbursement of the same to the writ petitioner company. Until the above is done, they got an objection in permitting the consumer to get connectivity from the petitioner's 132 KV Line and substation, but without taking the letter into consideration, the respondents are decided to extend the power supply to the respondent No.8 from the petitioner's sub-station situated in the petitioner's

factory premises. The said action is highly illegal, arbitrary, irrational and unjust in asmuch as the same is contrary to the regulations made by the AP Electricity regulation Commission. Hence this Writ Petition.

4. At the stage of admission, on 30.06.2010 this Court had passed interim order as follows:

> *"There shall be status-quo existing as on this day with regard to power supply to the 8th respondent from 132 KV feeder exclusively meant for the petitioner."*

5. The Chief Engineer, TL & SS, Transmission Corporation of A.P Ltd., Visakhapatnam (Respondent No.3) had counter-affidavit along with vacate stay petition. He submits that 132 KV feeder extending supply to the petitioner is feeding only the said unit initially and hence, it is called a dedicated feeder and it does not restrict the APTRANSCO to utilise the infrastructure to extend the supply to any other applicant, if any applicant applies for release of power supply at a later stage. The respondent No.8 had applied for 9 MVA supply at 132 KV level on 23.04.2008. The site of the respondent No.8 is located Pedabanthupalli Village in Gurla Mandal in Vizianagaram District. Feasibility study was conducted and it was approved to extend supply to the respondent No.8 by stringing of 132 KV line on the vacant site of the existing 132 KV dedicated line from 220/132 KV Garividi substation which is feeding the entire load to the writ petitioner. The said feeder line length is 10.78 Km and having 42 towers. The respondent No.8 has approved to construct 132 KV bay in Garividi substation and to string the line on the existing 132 KV line (vacant side) and upto Tower No.27 and erect three 132 KV towers and to construct

metering and terminating bay in the respondent no.8 premises. As the site of the respondent No.8 is on the other side of the existing line, to avoid 132 kv line crossing, the arrangement is made to utilize the petitioner's bay in Garividi substation. This arrangement does not affect the service of the petitioner and prays for dismissal of this Writ Petition.

6. On 30.08.2010 after hearing both sides, the composite High Court had vacated the interim order dated 30.06.2010 by holding that the elements of balance of convenience and the irreparable injury do not fall in line in continuing the interim order.

7. Heard both sides and perused the material available on record.

8. Learned counsel for the writ petitioner submits that as per the Regulation 3 (5)(4) of the A.P. Electricity Regulatory Commission (Licensees' Duties of Supply of Electricity on Request) regulation 2004, in the event if electricity is required for two or more applicants in the same area from any common electrical line and electric plant, the distribution licensee shall apportion such expenditure amongst the applicants. The respondents ought to have taken permission of the petitioner and if the petitioner does not accord permission to use the second circuit, they could have made a proposal to apportion the cost incurred by the petitioner between the prospective consumers (Respondent No.8) and to remit the same. Without doing so, in a unilateral and authoritative manner and to cause irreparable loss to the petitioner, the respondents 1 to 7 have decided to extend the power supply to the respondent no.8 from the exclusive feeder belonging to the petitioner is not

valid and sustainable submission in accordance with the law as explained here. It is not in dispute that the petitioner acquired any land for laying 132 KV as contended, except license or public utility like the Respondent Corporation, cannot be permitted to exercise the power of right of way as per Section 10 (d) of Indian Telegraph Act as well as Section 164 of the Electricity Act, 2003.

9. Per contra, learned standing counsel for the respondents submits that the regulation 3 (5) (4) of the A.P. Electricity Regulatory Commission (Licensee's duties of supply of electricity on request) Regulation, 2006, as contended by the petitioner, is not correct and the said regulation would apply only in case more than one applicant makes an application for release of power supply simultaneously. He submits that 132 KV feeder extending supply to the petitioner is feeding only the said unit initially and hence, it is called as dedicated feeder and it does not restrict the APTRANSCO to avail the infrastructure to extend supply to any other applicant, if any applicant applies for release of power supply at a later stage. He further submits that if they extending of supply to the respondent no.8 by the said arrangement in no way hampers, obstructs the supply to the service of the petitioner and prays to dismiss this writ petition.

10. The main dispute raised in this Writ Petition pertains to the right of the licensee supplying power to the respondent No.8 to use 132 KV dedicated feeder emanating from Garividi substation, which was laid at the cost of the writ petitioner to give supply to the Unofficial Respondent No.8 in this Writ Petition. If respondents intends to power supply to 8th respondent, the same

should be reimbursed at proportionate cost from the 8th respondent. It is the further contention of the writ petitioner that the respondents have no power to extend the power supply to any other consumer through the dedicated feeder. Per contra, learned counsel for the Respondents has placed reliance on the letter dated 23.09.2004 (Ex.P.3) the Chief Engineer/Construction, Vidyut Soudha, Hyderabad addressed to the Writ Petitioner, the letter would indicate that at the request of the petitioner under his letter dated 10.09.2004 only, the Respondents have entrusted the work to the writ petitioner on 'Turn Key basis' under the supervision of APTRANSCO only. 'Turn Key basis' means a contract or agreement where a single contractor or company takes full responsibility for a project from start to finish. Once completed, the project is handed over to the client fully ready for immediate use. Moreover, the entire execution of the project of the Respondents has carried out by the Writ Petitioner is completed under the guidance of Respondents only like purchase of material/equipment from the approved vendors of APTRANSCO and the works should be executed by the licensed contractor as per the specification and standards of APTRANSCO under the supervision of APTRANSCO officials. It appears that the writ petitioner has executed the works i.e., erection of 132 KV DC/SC Line from Garividi 220/132 KV SS to Petitioner company and erection of 132 KV Bay extention at Garividi 220/132 KV and also terminal and metering arrangements at Petitioner company like as a contractor, but not as a proprietor, on the other hand the entire infrastructure

as constructed, vests with Respondent Corporation, hence he cannot restrict the respondents to supply power to the Respondent No.8.

11. It is crystal clear in the terms and conditions of the letter dated 23.09.2004 (Ex.P.3) addressed by the Chief Engineer/Construction, Vidyut Soudha, Hyderabad to the Writ Petitioner that "*the line shall be deemed to be the property of the APTRANSCO after such take over"*. Clause '6' of the terms and conditions for 'Turn Key Basis' is usefully extracted hereunder:

> *"6. M/s. Andhra Ferro Alloys Limited, Garbham Village shall hand over all the works executed by them to the APTRANSCO after completion in full shape and will be taken over by the APTRANSCO only if they confirm to the APTRANSCO specification after the statutory inspection by APTRANSCO officials.* ***The line shall be deemed to be the property of the APTRANSCO after such take over****."*

12. The above extracted portion clearly indicates that after completion of the project and after approval from the competent authority/APTRANSCO, the electricity project shall be deemed to the property of the APTRANSCO, but not the property of the writ petitioner though, he incurred crores of rupees for establishing the same. Section 39 of the Electricity Act, 2003 clearly states that the APTRANSCO as the State Transmission utility is vested with the authority and responsibility to maintain and operate efficient, coordinated transmission system. APTRANSCO has been extending supply to new consumers on the available network without causing any hindrance to the existing service of the consumer. Any applicant like Writ Petitioner whoever first can avail the existing network he has to bear the cost of additional bays or

lines if necessary in order to extend the supply to the applicant. Hence, the submission of the learned counsel for the writ petitioner that the respondents ought to have obtain permission to supply power to respondent No.8 is not a merit submission in view of the specific clause (6) of the Terms and Conditions of the letter dated 23.09.2004 (Ex.P.3), as the writ petitioner has binding due to the said clause and executed the works on behalf of the Respondents. Moreover, once the lines were erected, the same would become the property of the TRANSCO and it is the respondents to release the power supply depending upon the feasibility to other applicants. Therefore, this Court is of the opinion that there is no illegality or irregularity in the action of the Respondents in considering the application of the 8th Respondent for release of power supply. Hence, this Court did not find any merit on the submissions of the Writ Petitioner, thereby, this Writ Petition deserves to be dismissal.

13. Accordingly, this Writ Petition is dismissed. No order as to costs.

14. Consequently, miscellaneous petitions pending, if any, shall also stand closed.

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JUSTICE VENKATESWARLU NIMMAGADDA

Dt: 06.11.2026
Note: LR copy to be marked.
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THE HONOURABLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

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