APHC010264062005

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

WEDNESDAY, THE 4th DAY OF NOVEMBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

WRIT PETITION NO: 3012 OF 2005

Between:

1. Thirumala Hydel Power Projects Limited,, 260141, Subbaiah Thota,. Chilakaluripet 522616, Rep. by its Director, K. Pattabhi Seetha Ram Rao,. S/o. K. Hanumantha Rao, R/o. Pandaripuram, Chilakaluripet, Guntur District.

...Petitioner

AND

1. Transmission Corporation of Andhra Pradesh Limited, Rep. by its Chairman & Managing Director, Vidyut Soudha, Hyderabad 500 082.

2. Central Power Distribution Company of Andhra Pradesh Limited, Rep. by its Managing Director, 11-5-423/1/A, First Floor, singareni Collieries Bhavan, Lakdi-ka-pul, AHyderabad 506 001.

3. Southenr Power Distribution Companyof Andhra Pradesh Limited, Rep. by its Managing Director, Upstairs, Hero HOnda showroom, Renigunta Road, Tirupathi 517 501.

4. Northern Power Distribution Companyof Andhra Pradesh Limited, Rep. by its Managing Director, 11-5-423/1/A, First Floor, 1-7-668, Postal Colony, Hanamkonda, Warangal 506 001.

5. Eastern Power Distribution Companyof Andhra Pradesh Limited, Rep. by its Managing Director, sai Shakti, Opp Saraswati Park, Daba Gardens, Visakhapatnam 530 020.

6. Andhra Pradesh Electricity Regulatory Commission, Singareni Bhavan, red Hills, Hyderabad, Rep. by itts Chairman.

...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 toissue an appropriate Writ, Order or direction, more particularly one in the nature of a mandamus or declaration, declaring - (a) That the order dated 23-3-2004 passed by the 6th Respondent Regulatory Commission in O.P.Nos. 495/2003 to 499/2003, insofar as it relates or purports to determine wheeling charges and/or transmission charges for the electricity generated by the petitioner which is wheeled by the1st respondent in terms of the subsisting wheeling agreement between the petitioner and the 1st respondent, as being arbitrary, irrational, unreasonable, illegal and void and to set aside the same; and (b) That the wheeling charges applicable to the petitioner for the energy generated in the petitioner's mini hydel power plant and sold to consumers for the entire duration of the subsisting agreement between the 1st respondent and the petitioner is only 2% in kind; and (c) That the Respondents 2 to 5 are not entitled to demand any wheeling charges from the petitioner or the consumer in the consumer's current consumption bills or otherwise and consequently forbear them permanently from doing so; and (d) and/or pass such further or other orders as this Honourable court may deem fit and proper so that justice may be done.

IA NO: 1 OF 2005(WVMP 1014 OF 2005

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 granted in the writ petition on 18-2-2005

IA NO: 2 OF 2005(WPMP 4074 OF 2005

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

grant interim stay of all further proceedings and actions pursuant to the 6th Respondent's common order dated 23-3-2004 in O.P.Nos. 495/2003 to 499/2003, and consequently restraining the Respondents 2 to 5 from demanding or collelcting any wheeling charges from the petitiioner or the consumers, subject to the petitioner continuing to pay wheeling charges to the 1st respondent at 2% in kind only of the energy wheeled from the petitioner's power project and/or pass such further or other orders

Counsel for the Petitioner: KATRAGADDA GOPAL CHOUDARY

Counsel for the Respondents: SRINIVASA RAO PUTLURI Counsel for the Respondents:O MANOHAR REDDY(SC FOR APTRANSCO) Counsel for the Respondents:THE ADVOCATE GENERAL Counsel for the Respondents:M SREERAMULU REDDY

The Court made the following order:

THE HON'BLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

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ORDER:-

This Writ Petition is filed under Article 226 of the Constitution of the India seeking the following reliefs:-

> *"to issue a Writ, Order or Direction more particularly one in the nature of Writ of Mandamus declaring - (a) That the order dated 23.03.2004 passed by the 6th Respondent Regulatory Commission in O.P.Nos. 495/2003 to 499/2003, insofar as it relates or purports to determine wheeling charges and/or transmission charges for the electricity generated by the petitioner which is wheeled by the1st respondent in terms of the subsisting wheeling agreement between the petitioner and the 1st respondent, as being arbitrary, irrational, unreasonable, illegal and void and to set aside the same; and (b) That the wheeling charges applicable to the petitioner for the energy generated in the petitioner's mini hydel power plant and sold to consumers for the entire duration of the subsisting agreement between the 1st respondent and the petitioner is only 2% in kind; and (c) That the Respondent Nos.2 to 5 are not entitled to demand any wheeling charges from the petitioner or the consumer in the consumer's current consumption bills or otherwise and consequently forbear them permanently from doing so; and and pass such other order or orders…."*

2. Heard the learned counsel for the petitioner and learned Standing Counsel for the respondents.

3. Learned counsel for the petitioner submits that in view of the judgment rendered by the Hon'ble Apex Court in Civil Appeal No.4569 of 2003 and batch, the petitioner is liable to pay wheeling and transmission charges as demanded by the respondents.

4. Considering the submissions and in view of the judgment rendered by the Hon'ble Apex Court in Civil Appeal No.4569 of 2003 and batch, the respondents are at liberty to proceed further in accordance with law.

5. Accordingly, the Writ Petition is disposed of. There shall be no order as to costs.

As a sequel, miscellaneous applications pending, if any, shall also stand closed.

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VENKATESWARLU NIMMAGADDA, J

Date:04.11.2026
TPS

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