APHC010478962005

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: 2504 OF 2005

Between:

1. M/s. Penna Cement Industries Limited,, having its Regd. Office at 703, Sriniketan colony, Road No.3, Banjara Hills, Hyderabad-500 034, Rep. by its Chairman and Managing Director, Sri P. Prathap Reddy.

2. M/s. Sriba Industries Limited,, having its Regd. office at 703, Sriniketan colony, Road No.3, Banjara Hills, Hyderabad-500 034. Rep. by its Whole time Director, Sri V.R. Vasudevan.

...Petitioners

AND

1. Andhra Pradesh Electricity Regulatory Commission, (APERC), Red Hills, Hyderabad.

2. Transmission Corporation of Andhra Pradesh Limited, Vidyut Soudha, Khairatabad, Hyderabad. Rep. by its Chairman & Managing Director.

3. The Chief Engineer Comml IT, AP Transco, Vidyut Soudha, Khairatabad, Hyderabad.

4. The Chief Engineer IPC, AP Transco, Vidyut Soudha, Khairatabad, Hyderabad.

5. Central Power Distribution Company of, A.P. Limited., rep,. by its Chairman and Managing Director, Red Hills, Hyderabad.

6. The Superintending Engineer, Operation circle, Central Power Distribution Company of A.P. Limited., Anantapaur -515 001.

7. The Superintending Engineer, Operation circle, Central Power Distribution Company of A.P. Limited., Nalgonda -508 001.

...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 a writ order or direction, more particularly one in the nature of writ of Mandamus declaring the order of the 1st respondent commission in O.P.No. 495 of 2003 dt. 23-3-2004 in so far as levy of wheeling and transmission charges at 6.25% in kind and Rs. 84.65 ps. per KW in cash as against the existing rate of 2% as arbitrary, illegal and violative of Article 14 and 19(1)(g) of the Constitution of India and pass such other order or orders as this Hon'ble Court deems fit and proper in the interest of Justice.

IA NO: 1 OF 2005(WVMP 1074 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 directions granted in the writ petition on 15-2-2005

IA NO: 2 OF 2005(WPMP 3394 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 stay the operation of order dt. 23-3-2004 in O.P.No. 495 of 2003 passed by 1st respondent in so far as demand and collection of the wheeling and transmission charges except to the extent payable by the petitioners in terms of agreement dt. 28-7-2000 at the rate of 8% of the wheeled energy pending disposal of the present writ petition and pass such other order or orders as this Hon'ble court deems fit and proper in the interest of Justice.

Counsel for the Petitioners: CKR ASSOCIATES

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

WRIT PETITION NO: 2504 OF 2005

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 the order of the 1st respondent commission in O.P.No.495 of 2003 dated 23.03.2004 in so far as levy of wheeling and transmission charges at 6.25% in kind and Rs. 84.65 ps. per KW in cash as against the existing rate of 8% as arbitrary, illegal and violative of Article 14 and 19(1)(g) of the Constitution of India and pass such other order or orders…."*

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

3. Learned counsel for the petitioners submits that in view of the judgment rendered by the Hon'ble Apex Court in Civil Appeal No.4569 of 2003 and batch, the petitioners are 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

36

THE HON'BLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

WRIT PETITION NO: 2504 OF 2005

Date:04.11.2026
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