APHC010508982026

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI **[3329]**
(Special Original Jurisdiction)

TUESDAY, THE 6th DAY OF OCTOBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

WRIT PETITION NO: 27930/2026

Between:

1. KILARI NAGAMANI, SMT. NAGAMANI KILARI, D/O.KILARI BANGARAYYA, AGED ABOUT 22 YEARS, OCCUPATION HOUSEWIFE, R/O. H.NO. 3-45, JAMI, VIZIANAGARAM DISTRICT - 535250.

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL SECRETARY, ENERGY DEPARTMENT, SECRETARIAT, VELAGAPUDI, GUNTUR DISTRICT - 522237.
2. THE CHAIRPERSON, CONSUMER GRIEVANCES REDRESSAL FORUM, APEPDCL, VISAKHAPATNAM - 530020.
3. THE CHAIRMAN AND MANAGING DIRECTOR, APEPDCL, R/O. 50-27-5/1, T.P.T. COLONY, SEETHAMMADHARA, VISAKHAPATNAM - 530013.
4. THE SUPERINTENDENT ENGINEER OPERATION, APEPDCL, OPERATION CIRCLE OFFICE, WALTAIR MAIN ROAD, OPPOSITE GREEN PARK, JAGADAMBA JUNCTION, VISAKHAPATNAM - 530020.
5. THE DEPUTY EXECUTIVE ENGINEER OPERATIONS, APEPDCL, PENDURTHI, VISAKHAPATNAM - 530051.
6. THE ASSISTANT EXECUTIVE ENGINEER OPERATION, APEPDCL, SUJATHA NAGAR, PENDURTHI, VISAKHAPATNAM - 530051

...RESPONDENT(S):

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 in the nature of a Writ of Mandamus, directing the respondents to consider forthwith the application submitted by the petitioner vide Application No. NSCREG04081105 for grant of electricity service connection for an extent of 69.84 square yards, situated at Srinivasa Nagar, Chinamushidiwada Village, Pendurthi Mandal, Visakhapatnam District, strictly for residential purposes, in accordance with the provisions of Section 43 of the Electricity Act, 2003, and consequently direct the respondents to provide electricity service connection to the petitioner's premises within a time frame fixed by this Hon'ble Court,

IA NO: 1 OF 2026

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 may be pleased to issue an appropriate Writ, Order or Direction, more particularly one in the nature of a Writ of Mandamus, directing the respondents to forthwith consider the application vide Application No. NSCREG04081105 submitted by the petitioner for grant of electricity service connection for an extent of 69.84 square yards, situated at Srinivasa Nagar, Chinamushidiwada Village, Pendurthi Mandal, Visakhapatnam District, for residential purposes strictly in accordance with the provisions of Section 43 of the Electricity Act, 2003, and consequently direct the respondents to provide electricity service connections to the petitioners' premises within a time frame fixed by this Hon'ble Court, and to pass

Counsel for the Petitioner:

1. MEGHANA DULLA

Counsel for the Respondent(S):

1. GP FOR ENERGY

THE HON'BLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

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ORDER:-

1. This writ petition is filed under Article 226 of the Constitution of India, claiming the following direction:

> *"issue an appropriate Writ Order or Direction more particularly in the nature of a Writ of Mandamus directing the respondents to consider forthwith the application submitted by the petitioner vide Application No NSCREG04081105 for grant of electricity service connection for an extent of 69 84 square yards situated at Srinivasa Nagar Chinamushidiwada Village Pendurthi Mandal Visakhapatnam District strictly for residential purposes in accordance with the provisions of Section 43 of the Electricity Act 2003 and consequently direct the respondents to provide electricity service connection to the petitioners premises within a time frame fixed by this Honble Court"*

2. Heard Ms. Meghana Dulla, learned counsel for the petitioner and Sri V.V. Satish, learned standing counsel for APEPDCL.

3. Sri V.V. Satish, learned Standing Counsel for APEPDCL has placed on record the Written Instructions furnished by the Assistant Engineer, Operation Section, Sujathanagar-Visakhapatnam and wherein it is stated as under:-

> "In view of the above, the matter has been referred to the competent authority of the Mandal Revenue Office for verification and confirmation of the genuineness, validity and present status of the said patta records. It is also requested to confirm the nature and ownership status of the land covered under Sy.No.163 situated at Karmika Nagar & Srinivasa Nagar, and specifically to clarify whether the said land is classified as Government land or private land, as per the relevant Revenue records.
>
> Accordingly, further necessary action on the applications for release of new domestic electricity service connections shall be taken only after receipt of the verification/compliance report from the competent Revenue authority, along with the requisite NOC/clearance and other relevant documents, wherever applicable."

4. The Written Instruction would indicate that the official respondents have raised an issue with regard to the petitioner not being able to produce proper ownership documents.

5. After having considered the statutory provisions, as submitted by the learned counsel for the writ petitioner, on the face of it, it appears to this Court that the objection raised by the Assistant Engineer through the Written Instruction is unsustainable in law.

6. Section 43 of the Electricity Act, 2003 imposes a statutory obligation on the authority to supply electricity on request.

7. Section 43 of the Electricity Act, 2003 is usefully extracted hereunder:

> *"**Section 43. (Duty to supply on request): ---** (1) [Save as otherwise provided in this Act, every distribution] licensee, shall, on an application by the owner or occupier of any premises, give supply of electricity to such premises, within one month after receipt of the application requiring such supply:*
>
> *Provided that where such supply requires extension of distribution mains, or commissioning of new sub-stations, the distribution licensee shall supply the electricity to such premises immediately after such extension or commissioning or within such period as may be specified by the Appropriate Commission:*
>
> *Provided further that in case of a village or hamlet or area wherein no provision for supply of electricity exists, the Appropriate Commission may extend the said period as it may consider necessary for electrification of such village or hamlet or area.*
>
> *[Explanation:- For the purposes of this sub-section, "application" means the application complete in all respects in the appropriate form, as required by the distribution licensee, along with documents showing payment of necessary charges and other compliances.]*
>
> *2) It shall be the duty of every distribution licensee to provide, if required, electric plant or electric line for giving electric supply to the premises specified in sub-section (1) :*
>
> *Provided that no person shall be entitled to demand, or to continue to receive, from a licensee a supply of electricity for any premises having a separate supply unless he has agreed with the licensee to pay to him such price as determined by the Appropriate Commission.*
>
> *(3) If a distribution licensee fails to supply the electricity within the period specified in sub-section (1), he shall be liable to a penalty which may extend to one thousand rupees for each day of default."*

8. This apart, Para 5.2.3 of the General Terms and Conditions of Supply of Distribution and Retail Supply Licensees in the State of Andhra Pradesh, which has been introduced *vide* Proceedings dated 06.01.2026, also imposes

an obligation on the part of the Licensee to supply electricity on request, even where the Applicant is not the owner of the premises.

9. Para 5.2.3 of the General Terms and Conditions of Supply of Distribution and Retail Supply Licensees in the State of Andhra Pradesh is usefully extracted hereunder:

> *"5.2.3 An applicant who is not the owner of the premises he occupies and intending to avail of supply* ***shall submit an Indemnity Bond drawn by the owner of the premises in favour of the company whereby the owner of the premises undertakes to indemnify the company for any loss caused to the company by the applicant (who is the tenant/ occupant of the Premises) arising out of the release of service to the tenant/ occupant. Otherwise he shall be required to pay three times the normal security deposit apart from providing proof of his being in lawful occupation of the premises."***

10. Having regard to these facts, this Court deems it appropriate to allow this Writ Petition with a direction to follow due process of law in terms of Section 43 of the Electricity Act, 2003 and Para 5.2.3 of the General Terms and Conditions of Supply of Distribution and Retail Supply of Licensees in the State of Andhra Pradesh.

11. The writ petitioner is directed to submit the required documents, including the Indemnity Document from the owner or three times the normal security deposit, within two weeks from today. From the date of receipt of the required documents, the respondents shall supply electricity to the Writ petitioner within two weeks thereafter.

12. Accordingly, the Writ Petition is allowed. No order as to costs.

13. Interlocutory Applications, if any, stand closed in terms of this order.

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JUSTICE VENKATESWARLU NIMMAGADDA

Date: 06-10-2026
BSM

THE HON'BLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

WRIT PETITION NO.27930 OF 2026

Date: 06-10-2026

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BSM