APHC010548402026

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI **[3332]**
(Special Original Jurisdiction)

MONDAY, THE 12th DAY OF OCTOBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE RAVI CHEEMALAPATI

WRIT PETITION NO: 29862/2026

Between:

1. ANDHRA PRADESH SOLAR POWER CORPORATION PVT. LTD., THROUGH ITS AUTHORIZED SIGNATORY, VENKATA SATYANARAYANA JAYAVARAPU, REGISTERED OFFICE AT 3RD FLOOR, VIDYUT SOUDHA, GUNADALA, VIJAYAWADA-520 004, NTR DISTRICT, ADMINISTRATIVE OFFICE AT FLAT NO.401 AND 402, GARUDA ENCLAVE, TADEPALLI- 522 501, GUNTURDISTRICT,A.P.

...PETITIONER

AND

1. UNION OF INDIA, UNION OF INDIA, MINISTRY OF NEW AND RENEWABLE ENERGY (MNRE) REP. BY ITS SECRETARY, NEW DELHI.
2. CENTRAL TRANSMISSION UTILITY OF INDIA, REP. BY ITS CHIEF OPERATING OFFICER, 5TH AND 10TH FLOOR, TOWER-1, IRCON INTERNATIONAL TOWER, FLAT NO.16, SECTOR- 32, GURUGRAM, HARYANA.
3. GRID CONTROL OF INDIA, SOUTHERN REGIONAL LOAN DISPATCH CENTRE, THROUGH EXECUTIVE DIRECTOR-29 CROSS ROAD, BENGALURU, KARNATAKA STATE.
4. M/S HPCL RENEWABLE GREEN ENERGY LIMITED, REP. BY ITS CHAIRMAN AND MANAGING DIRECTOR, 5TH FLOOR,

PETROLEUM HOUSE, JAMSHEDGI TATA ROAD CHURCH GATE, MUMBAI, MAHARASHTRA STATE.

5. CENTRAL ELECTRICITY REGULATORY COMMISSION, REP. BY ITS CHAIR PERSON 6, 7 AND 8TH FLOOR, TOWER B, OLDRATE CENTER, NOWROAGE NAGAR, NEW DELHI.

...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 topleased to issue any writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondent No.2 in allocating 100 MW connectivity to third parties in pursuance of orders dated 01-10-2026 in Ref No. C/CTU-PLG/CON/S/ 2015/NP Kunta- PR issued by the 2nd respondent is illegal, arbitrary and violation of Article 14 of the Constitution of India and to consequently direct the respondents not to provide connectivity through any third party at N.P Kunta 400/220 kv substation connecting point during the pendency of petition Dairy No.776/2026 before the 5th respondent and to pass

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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 pleased to direct the 2nd respondent not to allocatelOO MW connectivity to third parties at N.P Kunta 400/220 kv sub station in pursuance of orders dated 01-10-2026 in Ref No. C/CTU PLG/CON/S/ 2015/NP- Kunta- PR issued by the 2"^ respondent pending disposal of the writ petition and to pass

Counsel for the Petitioner:

1. V V SATISH

Counsel for the Respondent(S):

1.

The Court made the following:

ORDER

This Writ Petition is filed questioning the action of respondent no.2 in allocating 100 MW connectivity to third parties in pursuance of orders dated 01.10.2026 in Ref.No.C/CTU-PLG/CON/S/2015/NP-Kunta-PR.

2. The contents of the petition, in brief, are that the petitioner is a company incorporated under the provisions of Companies Act with an object to plan, develop and operate solar parks in the State of Andhra Pradesh under Ministry of New and Renewable Energy Scheme (MNRE) for development of solar parks and Ultra Mega Solar Power Projects in the State of Andhra Pradesh. That respondent no.1 had approved setting up of 2500 MW solar parks in the State of Andhra Pradesh and out of it, solar parks with 1500 MW capacity has been approved in respect of sites at N.P.Kunta Mandal, Satya Sai District and Galivedu Mandal, Annamayya District in an extent of Ac.5500 and Ac.3,300 respectively. The respondent no.1 appointed the petitioner as Solar Park developer and an applicant for connectivity and long term access in Interstate Transmission System and directed the petitioner to undertake infrastructure activities for N.P.Kunta Solar park with capacity of 1500 MW and to undertake arrangement of connectivity on behalf of Solar Power Generation in the above stated parks. In pursuance thereafter the petitioner undertaken the land acquisition and developed basic infrastructure. That out

of the total 1500 MW, a quantity of 1400 MW has been successfully commissioned, pooling stations were constructed for them and connected to the grid. It is the further case of the petitioner that as the petitioner could not complete and develop 100 MW as per the terms of the contract, a notice came to be issued by respondent no.2 calling the petitioner to submit the schedule commercial operation date (SCOD) and revised SCOD in respect of the petitioner's generating stations along with the supporting document. For which the petitioner submitted letter dated 25.09.2026 informing the details of entire project including the reasons for non-commission of 100 MW and requested time till 20.12.2026, requesting to grant an extension of timeline, with exemption from the applicable Milestone Extension Charges (MEC), as a special case, in accordance with the commissioning schedule furnished by M/s. HPRGE for the balance 100 MW Solar Project of Ananthapuramu Ultra Mega Solar Park (1500 MW) considering the circumstances beyond the control of APSPCL and the continuous efforts being made to obtain the requisite approvals and complete the commissioning process. But the respondent no.2 sent a letter dated 25.09.2026 rejecting the request of the petitioner stating that there is no provision in CERC regulations to grant exemption in respect of extension of commissioning timeline and on 01.10.2026, the respondent no.2

issued proceedings revoking grant of connectivity for 100 MW out of 1500 MW that was issued in favour of the petitioner.

It is the further case of the petitioner assailing the orders dated 01.10.2026 of respondent no.2, the petitioner preferred a petition before the respondent no.5-Central Electricity Regulatory Commission, under section 79(1)(c) and section 79(1)(k) of Electricity Act, 2003, read with Regulations 41 and 42 of General Network Access Regulations, 2022 on 09.10.2026 along with interlocutory Application to stay the operation of orders dated 01.10.2026 issued by respondent no.2. As the said Interlocutory Application filed for stay of the operation has not been taken up for consideration, the present writ petition came to be filed.

3. Heard Sri Dammalapati Srinivas, learned Advocate General, assisted by Sri V.V.Satish, learned Standing counsel for petitioner and Sri Y.V.Anil Kumar, learned Central Government Counsel.

4. Sri Dammalapati Srinivas, learned Advocate General, while reiterating the contents of the writ affidavit would contend that since commissioning of the remaining 100 MW power out of 1500 MW was beyond the control of the petitioner, it entered into an agreement with respondent no.4-M/s.HPCL Renewable Green Energy Limited, for commissioning and development of the

said 100 MW. The learned Advocate General would further contend that the said fact has duly been brought to the notice of respondent no.2 in the explanation submitted by the petitioner. The learned Advocate General would further contend that in fact the petitioner had also informed the respondent no.2 in his explanation dated 25.09.2026 that the trial run for a capacity of 52.8 MW AC/ 70 MW DC is scheduled to be successfully completed by 09.10.2026, followed by commencement of commercial operations by 15.10.2026 and the balance capacity of 47.2 MW is expected to be commissioned by 20.12.2026, despite the same the respondent no.2 without application of mind rejected the request of the petitioner. The learned Advocate General would further contend that the Interlocutory Application (IA) filed along with the petition assailing the rejection orders, has not been considered by respondent no.5-Central Electricity Regulatory Commission, despite request made and in the meantime if respondent no.2 enter into any agreement with any third party regarding the remaining 100 MW by revoking the bank guarantees, the petitioner as well as respondent no.4, with whom the petitioner entered into agreement for commissioning and development of remaining 100 MW, would be put to irreparable loss and hardship. Further, in such an eventuality the respondent no.4 may proceed and take steps against the petitioner. The learned Advocate General, at this juncture, submitted that

the relief sought in this writ petition is being restricted for issuance of a direction to respondent no.5 to take up the Interlocutory Application filed for stay of operation of the order dated 01.10.2026 and accordingly prayed to pass appropriate orders.

5. On the other hand, Sri Y.V.Anil Kumar, learned Central Government Counsel, submitted that respondent no.1 is only a pro forma party to the writ petition and the rejection order was passed by respondent no.2 and the petition preferred against such rejection was pending before respondent no.5.

6. Perused the material available on record and considered the submissions made by learned counsel for the parties.

7. It is not in dispute that connectivity for 1500 MW was originally granted in relation to the solar park, that 1400 MW has been commissioned, and that the controversy concerns the balance 100 MW. The petitioner states that it furnished a revised commissioning schedule by its communication dated 25.09.2026 and sought extension up to 20.12.2026. Respondent No.2, however, rejected the request and revoked connectivity to the extent of 100 MW by proceedings dated 01.10.2026.

8. The petitioner has already approached respondent No.5, the Central Electricity Regulatory Commission, by filing a petition on 09.10.2026 under

Section 79(1)(c) and (k) of the Electricity Act, 2003 read with Regulations 41 and 42 of the General Network Access Regulations, 2022, together with an interlocutory application seeking stay of the proceedings dated 01.10.2026. At the hearing, learned Advocate General confined the relief pressed in this writ petition to an expeditious consideration of that application. In these circumstances, this Court considers it appropriate to leave all questions touching the merits of the revocation to respondent No.5.

9. The apprehension expressed by the petitioner that the disputed 100 MW connectivity may be allocated to third parties before its application is considered cannot be ignored. If such allocation is made in the meantime, third-party interests may intervene and the request for interim protection pending before respondent No.5 may be rendered substantially ineffective. The balance of convenience, for this limited purpose, therefore favours preservation of the disputed capacity until respondent No.5 has an opportunity to decide the interlocutory application after hearing the concerned parties.

10. Accordingly, without expressing any opinion on the merits of the rival claims, this Writ Petition is disposed of with the following directions:

(i) Respondent No.5, the Central Electricity Regulatory Commission, shall take up the interlocutory application filed by the petitioner

along with its petition dated 09.10.2026, afford an opportunity of hearing to the concerned parties, and pass an appropriate reasoned order, in accordance with law, as expeditiously as possible, preferably within two weeks from the date of receipt of a copy of this order.

(ii) Until respondent No.5 passes orders on the said interlocutory application, respondent No.2 shall not allocate, reallocate, or otherwise grant the disputed 100 MW connectivity, revoked by proceedings dated 01.10.2026, in favour of any third party.

(iii) There shall be no order as to costs.

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

JUSTICE RAVI CHEEMALAPATI

12TH October, 2026

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