IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD
(Special Original Jurisdiction)

TUESDAY, THE TENTH DAY OF MARCH
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE NAGESH BHEEMAPAKA

WRIT PETITION NO: 35759 OF 2012

Between:

INOX AIR PRODUCTS LTD, a Company incorporated under the Companies Act, 1956, having its Registered Office at 7th floor, Ceejay House, Dr. Annie Besant Road, Worli, Mumbai-400018., and having one of its Manufacturing Unit at Plot No. 38, IDA Pashamylaram, Patancheru, Medak (DT), AP. represented by its Genaral Manager, Mr. E.S.K.Sastry.

...PETITIONER

AND

1. A.P. Electricity Regulatory Commission, Singareni Bhavan, Red Hills, Hyderabad - 500 004, Represented by its Chairman
2. A.P. Power Coordination Committee, Vidyuth Soudha, Somajiguda, Hyderabad - 500 482 Represented by its Secretary
3. Central Power Distribution Company of Andhra Pradesh, Ltd., Mint Compound, Hyderabad, A.P., represented by its Chairman and Managing Director.
4. The Superintending Engineer, Operation Circle, Central Power Distribution Company of AP Ltd., Sangareddy, Medak(DT), Andhra Pradesh.
5. The Senior Accounts Officer, Operation Circle, Central Power Distribution Company of AP Ltd, Sangareddy, Medak (DT), Andhra Pradesh

...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 to issue a Writ of Mandamus or a Writ order or direction in the nature of mandamus declaring-

a) the demand for the HT Bill for the month of October, 2012 dated 26/10/2012, insofar as it relates to the purported Fuel Surcharge Adjustment (FSA) for April, 2010

to the extent of Rs.1,11,645-10 issued by the Senior Accounts Officer, Operation Circle, Central Power Distribution Company of AP Ltd, Sangareddy, Medak, the Respondent No. 5 herein is illegal and inoperative,

b) while declaring that the Orders passed by the Respondent No.1, viz., A.P. Electricity Regulatory Commission, Hyderabad, on 20/09/2012 in OP Nos.28 of 2012 for April to June, 2010, 32 of 2012 for July to September, 2010, 36 of 2012 for October to December, 2010 and 40 of 2012 for January to March, 2011 of the A.P. Electricity Regulatory Commission, the Respondent No. 1 herein purportedly determining and approving Fuel Surcharge Adjustment (FSA) for the financial year 20102011 (April, 2010 to March, 2011), is totally contrary to, and in utter violation of Regulation No. 1 of 2003, being illegal, arbitrary and illegal and without jurisdiction, in addition to being in utter violation of principles of natural justice as also being in violation of the provisions of AP Electricity Reforms Act, 1998 and the Electricity Act, 2003, and

c) consequently, set aside the aforesaid Order of the AP Electricity Regulation Commission and,

d) further issue a consequential Writ, Order or direction restraining/interdicting the Respondents from imposing or collecting any Fuel Surcharge Adjustment (FSA) total FSA liability for the year 2010 - 11 (April, 2010 to March, 2011) amounts to approximately Rs. 43,00,000/- from the Petitioner.

Counsel for the Petitioner: SRI G.V.S.GANESH

Counsel for the Respondent No.2 to 5: SRI N.SREEDHAR REDDY, SC FOR TGSPDCL

The Court made the following: ORDER

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

THE HONOURABLE SRI JUSTICE NAGESH BHEEMAPAKA

WRIT PETITION No.35759 of 2012

10.03.2026

Between:

Inox Air Products Ltd

...Petitioner

AND

A.P Electricity Regulatory Commission.
Singareni Bhavan, Red Hills, Hyderabad,
Represented by its Chairman and 4 others

...Respondents

ORDER:

This Writ Petition is filed seeking the following relief:

"....to issue a Writ of Mandamus or a Writ order or direction in the nature of mandamus declaring a) the demand for the HT Bill for the month of October 2012 dated 26.10.2012, insofar as it relates to the purported Fuel Surcharge Adjustment (FSA) for April, 2010 to the extent of Rs.1,11,645-10 issued by the Senior Accounts Officer, Operation Circle, Central Power Distribution Company of AP Ltd, Sangareddy, Medak, the Respondent No.5 herein is illegal and inoperative, b) while declaring that the Orders passed by the Respondent No.1 viz., A.P.Electricity Regulatory Commission Hyderabad on 20/09/2012 in OP Nos. 28 of 2012 for April to June, 2010, 32 of 2012 for July to September, 2010, 36 of 2012 for October to December, 2010 and 40 of 2012 for January to March, 2011 of the A.P.Electricity Regulatory Commission the Respondent No 1 herein purportedly determining and approving Fuel Surcharge Adjustment (FSA) for the financial year 2010-2011 (April 2010 to March 2011) is totally contrary to and in utter violation of Regulation No.1 of 2003 being illegal arbitrary and illegal and without jurisdiction in addition to being in utter violation of principles of natural

justice as also being in violation of the provisions of AP Electricity Reforms Act 1998 and the Electricity Act 2003 and c) consequently set aside the aforesaid Order of the AP Electricity Regulation Commission and d) further issue a consequential Writ Order or direction restraining/interdicting the Respondents from imposing or collecting any Fuel Surcharge Adjustment FSA total FSA liability for the year 2010-11 (April, 2010 to March 2011) amounts to approximately Rs.43,00,000/- from the Petitioner and issue such further or other orders as this Honble Court may deem fit and proper in the facts and circumstances of the case and render justice"

2. Heard Sri G.V.S.Ganesh, learned counsel for the petitioner and Sri N.Sreedhar Reddy, learned Standing Counsel for TGSPDCL for the respondents. Perused the record.

3. When the matter is taken up for hearing, learned counsel for petitioner submitted that the issue raised in this Writ Petition is squarely covered by the order passed by this Court in W.P.No.37061 of 2012, dated 25.02.2026 and therefore, the same order may be passed in this writ petition as well. The operative portion of the said order reads as under:

"6. Upon the arguments advanced by both the learned counsel and perusal of the orders passed by the erstwhile High Court of Andhra Pradesh and Telangana in W.P.No.19359 of 2012 and batch, dated 31.07.2012, W.A.No.858 OF 2011 and batch, dated 20.01.2012 and order passed by the High Court of Andhra Pradesh, Amaravati in W.P.No.36984 of 2012, dated 09.12.2024, this writ petition is liable to be disposed of in the following terms:

1. The orders dated 20.09.2012 of the Commission pertaining to the FSA for the 1st quarter of the financial year 2010-2011 shall not be enforced on any of the consumers of the four DISCOMs, till

disposal of the SLPs pending before the Supreme Court.

2) The enforceability or otherwise of the orders of the commissions for the 1st quarter of the financial year 2010-2011 shall depend on the result of the SLPs.

(3) In the event of the Supreme Court confirms the judgment of the Division Bench dated Bench dated 20.01.2012, the FSA for the 1st quarter of the financial year 2010-2011 will become unenforceable. In a converse situation, the petitioner shall be entitled to question the orders of the Commission in respect of both the financial years 2010-2011 and 2011-2012.

(4) In respect of the second quarter of the financial year 2010-2011 and thereafter, the respondents are entitled to collect the FSA's as per the order of the Commission. The petitioner is not pressing any claim regarding the second quarter of the financial year 2010- 2011 and thereafter.

(5) If any of the DISCOMs have collected the FSA for the first quarter of the financial year 2010-2011 from any consumers, including the petitioner, they shall adjust the same in the future electricity bills immediately falling due. This adjustment shall also be subject to the outcome of the SLPs pending before the Supreme Court.

7. Accordingly, the Writ petition is disposed of."

4. In terms of the order passed by this Court in W.P.No.37061 of 2012, dated 25.02.2026, and for the reasons alike, this writ petition is disposed of. There shall be no order as to costs.

Pending miscellaneous applications, if any, shall stand closed.

Sd/-C.DEEPIKA
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

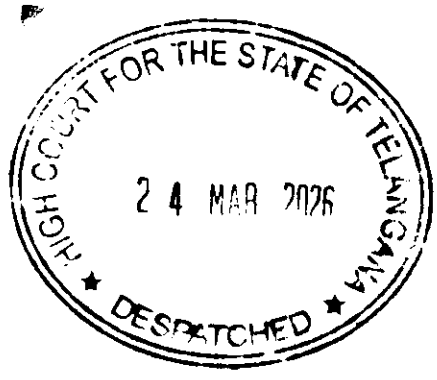
1. The Chairman, T.G Electricity Regulatory Commission, Singareni Bhavan, Red Hills, Hyderabad - 500 004.
2. The Secretary, T.G. Power Coordination Committee, Vidyuth Soudha, Somajiguda, Hyderabad - 500 482.
3. The Chairman and Managing Director, Central Power Distribution Company of Telangana, Ltd., Mint Compound, Hyderabad, T.G.,
4. The Superintending Engineer, Operation Circle, Central Power Distribution Company of T.G. Ltd., Sangareddy, Medak (DT), Telangana.

5. The Senior Accounts Officer, Operation Circle, Central Power Distribution Company of T.G. Ltd, Sangareddy, Medak (DT), Telangana.
6. One CC to SRI G.V.S.GANESH, Advocate [OPUC]
7. One CC to SRI N.SREEDHAR REDDY, SC FOR TGSPDCL [OPUC]
8. Two CD Copies

BSR
PMK

HIGH COURT

DATED: 10/03/2026



ORDER

WP.No.35759 of 2012

DISPOSING OF THE WRIT PETITION,

WITHOUT COSTS

10 MT
24/3/26