

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

THURSDAY, THE TWENTY SECOND DAY OF AUGUST
TWO THOUSAND AND TWENTY FOUR

PRESENT

**THE HONOURABLE THE CHIEF JUSTICE ALOK ARADHE
AND
THE HONOURABLE SRI JUSTICE J SREENIVAS RAO**

WRIT PETITION NO: 194 OF 2010

Between:

MR. B. Patel, S/o. Arjun Patel, Business, R/o. Plot No. 15/A, PhasIV,
Jeedimetla, Hyderabad.

...PETITIONER

AND

1. Union of India, rep. by the Secretary, Ministry of Energy, New Delhi.
2. The State of Telangana, (Formerly the Government of Andhra Pradesh) rep. by its Secretary, Energy Department, Secretariat building, Hyderabad
3. The Assistant Divisional Engineer, M/s. Central Power Distribution Company of Telangana Limited, (Formerly M/S. central Power Distribution company of Andhra Pradesh Limited) Operation Circle, Jeedimetla, Hyderabad.
4. The Inspector of Police, Vigilance and APTS team, Ranga Reddy District (North), Office of Superintendent Engineer, Operation Circle Ranga Reddy (North), Gunrock,
5. Mr. M. Srinivasulu, ADE, SD-I, DPE, Hyderabad Central, M/S TSSPDCL (Formerly APCPDCL), Saifabad, Hyderabad.

...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, order or direction, more particularly in the nature of Mandamus by declaring a) the heading in Column (2) of Table in Section 152 (1) of the Electricity Act, 2003 (Act No. 36 of 2003), which prescribes that the application of rate at which the sum of money for compounding to be collected for low Tension (LT) consumers not basing on contracted demand, but for High Tension (HT) consumers basing on contracted demand as arbitrary, illegal and void, and against to the Article 14 of the constitution of India, and b) Clause 2 (1) (i) of the Electricity (Removal of Difficulties) order, 2005 issued vide Notification No. SO 790 (E) dated 8/6/2005 is arbitrary, illegal and inconsistent with the provisions of

the Electricity Act, 2003 and c) all the actions taken up by the respondent No. 3 and 4 herein pursuant to the inspection done by the respondent No. 5 herein in respect of service connection bearing No. 019001264 dated 4-12-2009 as arbitrary, illegal and void and against to the provisions of the Electricity Act, 2003 and the rules and regulations framed thereunder, and against to Art. 14 and 21 of the constitution of India

I.A. NO: 1 OF 2010(WPMP. NO: 209 OF 2010)

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 suspend the notice issued by Respondent No. 3 vide Lr.No. ADE/OP/JDML/F.No. THEFT/D.No. 3297 dated 26-12-2009 pending disposal of the main writ petition

I.A. NO: 2 OF 2010(WPMP. NO: 210 OF 2010)

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 direct the respondent No. 3 herein to give reconnection for the SC No. 019001264

Counsel for the Petitioner: SRI. M LAXMINARASIMHAM

**Counsel for the Respondent No.1: SRI GADI PRAVEEN KUMAR,
DY. SOLICITOR GENERAL OF INDIA**

Counsel for the Respondent No.2: GP FOR ENERGY

**Counsel for the Respondent Nos. 3,4&5: SRI R. VINOD REDDY,
SC FOR TSSPDCL**

The Court made the following: ORDER

THE HON'BLE THE CHIEF JUSTICE ALOK ARADHE

AND

THE HON'BLE SRI JUSTICE J.SREENIVAS RAO

WRIT PETITION No.194 of 2010

ORDER: *(Per the Hon'ble the Chief Justice Alok Aradhe)*

Mr. M.Laxmi Narasimham, learned counsel for the petitioner.

Mr. Gadi Praveen Kumar, learned Deputy Solicitor General of India for respondent No.1.

Mr. R.Vinod Reddy, learned Standing Counsel for respondent Nos.3, 4 and 5.

2. In this writ petition, the petitioner has prayed for the following relief:

"For the reasons stated in the accompanying affidavit it is prayed that this Hon'ble court may be pleased to issue a Writ, Order or direction, more particularly in the nature of Mandamus by declaring: a) the heading in Column (2) of Table in Section 152 (1) of The Electricity Act, 2003 (Act No.36 of 2003), which prescribes that the

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application of rate at which the sum of money for compounding to be collected for Low Tension (LT) consumers not basing on contracted demand, but for High Tension (HT) consumers basing on contracted demand as arbitrary, illegal and void, and against to the Article 14 of the Constitution of India; and b) Clause 2(1)(i) of the Electricity (Removal of Difficulties) order, 2005 issued vide Notification No.S.O.790 (E) dated 8/6/2005 is arbitrary, illegal and inconsistent with the provisions of the Electricity Act, 2003; and c) all the actions taken up by the respondent Nos.3 and 4 herein pursuant to the inspection done by the respondent No.5 herein in respect of service connection bearing No.019001264 dated 4/12/2009 as arbitrary, illegal and void and against to the provisions of the Electricity Act, 2003 and the rules and regulations framed thereunder, and against to Art. 14 and 21 of the Constitution of India; and d) to pass such order or other orders as deems fit and proper in the interest of justice."

3. Learned counsel for the parties jointly submit that the issue involved in this writ petition is squarely covered by an order dated 22.02.2024 passed in W.P.No.25589 of 2009.

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4. In view of aforesaid submission and for the reasons assigned in the said order, this Writ Petition is also dismissed.

Miscellaneous petitions, pending if any, shall stand closed. There shall be no order as to costs.

SD/- V. KAVITHA
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. One CC to SRI. M. LAXMINARASIMHAM, Advocate [OPUC]
2. One CC to SRI. GADI PRAVEEN KUMAR, DY. SOLICITOR GENERAL OF INDIA [OPUC]
3. One CC to SRI. R. VINOD REDDY, SC FOR TSSPDCL [OPUC]
4. Two CCs to GP FOR ENERGY, High Court for the State of Telangana, at Hyderabad [OUT]
5. Two CD Copies

BM

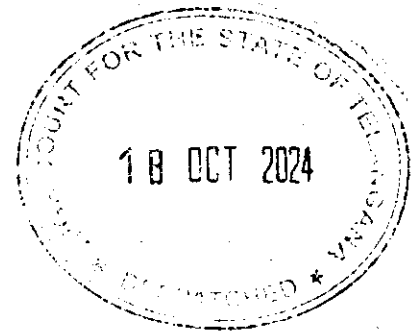


HIGH COURT

DATED:22/08/2024

ORDER

WP.No.194 of 2010



DISMISSING THE WRIT PETITION WITHOUT COSTS

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28/09/24

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