

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

WEDNESDAY, THE THIRTIETH DAY OF OCTOBER
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE MRS JUSTICE SUREPALLI NANDA

WRIT PETITION NO: 37752 OF 2015

Between:

M/s Aananda Lakshmi Spinning Mills Limited, (Service Connection bearing No. NLG-067 in the name of M/s Suryavanshi Spinning Mills Ltd.) Bhongir, Nalgonda District, Telangana State, rep. by its Chairman, Badrinagarayan Agarwal.

.....PETITIONER

AND

1. The Southern Power Distribution Company of Telangana Limited, rep. by its Chairman and Managing Director, Mint Compound, Hyderabad, Telangana State.
2. The Superintending Engineer, Operation Circle, the Southern Power Distribution Company of Telangana Limited, Nalgonda District, Nalgonda, Telangana State.
3. The Senior Accounts Officer, Operation Circle, the Southern Power Distribution Company of Telangana Limited, Nalgonda District, Nalgonda, Telangana State.
4. The Transmission Corporation of Telangana Limited, rep. by its Chairman and Managing Director, Vidyut Soudha, Hyderabad, Telangana State.
5. The Chief Engineer, SLDC, The Transmission Corporation of Telangana Limited, Vidyut Soudha, Hyderabad, Telangana State.
6. Telangana State Electricity Regulatory Commission, rep. by its Secretary, A.P. Singareni Bhavan, Red Hills, Hyderabad, Telangana State.

.....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 or order of direction more particularly one in the nature of Writ of Mandamus declaring Clause 13(b) of the Proceedings TSERC/Secy/159/2015 dated 18.08.2015 of the 6th respondent in so far as it

stipulating the availment of Open Access Power round the clock (RTC) is concerned as highly illegal, arbitrary, unjust, irrational, discriminatory, unauthorized and violative of Articles 14, 19(1)(g), and 21 of the Constitution of India.

I.A.NO:1 OF 2015 (WPMP.NO:48561 OF 2015)

Petition Under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to direct the respondents to permit the petitioner to avail Open Access Power by suspending the Clause 13(b) of the Proceedings TSERC/Secy/159/2015 dated 18.08.2015 of the 6th respondent pending disposal of the above writ petition.

I.A.NO:1 OF 2016 (WVMP. NO: 386 OF 2016)

Between

1. The Southern Power Distribution Company of Telangana Limited, rep. by its Chairman and Managing Director, Mint Compound, Hyderabad, Telangana State.
2. The Superintending Engineer, Operation Circle, the Southern Power Distribution Company of Telangana Limited, Nalgonda District, Nalgonda, Telangana State.
3. The Senior Accounts Officer, Operation Circle, the Southern Power Distribution Company of Telangana Limited, Nalgonda District, Nalgonda, Telangana State.
4. The Transmission Corporation of Telangana Limited, rep. by its Chairman and Managing Director, Vidyut Soudha, Hyderabad, Telangana State.
5. The Chief Engineer, SLDC, The Transmission Corporation of Telangana Limited, Vidyut Soudha, Hyderabad, Telangana State.

.....PETITIONERS/RESPONDENTS

AND

1. M/s Aananda Lakshmi Spinning Mills Limited, (Service Connection bearing No. NLG-067 in the name of M/s Suryavanshi Spinning Mills Ltd.) Bhongir, Nalgonda District, Telangana State. rep. by its Chairman, Badrinagarayan Agarwal.

.....RESPONDENT/PETITIONER

2. Telangana State Electricity Regulatory Commission, rep. by its Secretary, A.P. Singareni Bhavan, Red Hills, Hyderabad, Telangana State.

....RESPONDENT/RESPONDENT No.6

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 orders dated: 20-11-2015 in W.P.M.P.No.48561 of 2015 in W.P.No.37752 of 2015 and dismiss the writ petition.

Counsel for the Petitioners : SRI D.V.NAGARJUNA BABU

Counsel for the Respondent Nos.1 to 5 : SRI R.VINOD REDDY (SC FOR TSTRANSCO)

Counsel for the Respondent No.6 : SRI P.PRASAD, SC FOR TSERC

The Court made the following ORDER

HON'BLE MRS JUSTICE SUREPALLI NANDA

WRIT PETITION No.37752 of 2015

ORDER:

Heard Sri D. V. Nagarjun Babu, learned Senior Designated Counsel appearing on behalf of the petitioner, Sri R. Vinod Reddy, learned Standing Counsel for TSTRANSCO, appearing on behalf of the respondent Nos.1 to 5 and Sri P. Prasad, learned Standing Counsel for Telangana State Electricity Regulation Commission, appearing on behalf of the respondent No.6.

2. The petitioner approached the Court seeking prayer as under:

"...to issue a writ or order or direction more particularly one in the nature of Writ of Mandamus declaring Clause 13(b) of the Proceedings TSERC/Secy/159/2015 dated 18.08.2015 of the 6th respondent in so far as it stipulating the availment of Open Access Power round the clock (RTC) is concerned as highly illegal, arbitrary, unjust, irrational, discriminatory, unauthorized and violative of Articles 14, 19(1)(g), and 21 of the Constitution of India and pass such other order or

orders as this Hon'ble Court may deem fit and proper in the circumstances of the case."

3. This Court vide its order dated 20.11.2015 in W.P.M.P.No.48561 of 2015 in W.P.No.37752 of 2015 passed interim orders in favour of the petitioner observing as under:

"Rule nisi. Call for records.

Notice returnable in four weeks.

Prima facie, clause 13(b), which restricts open access only to those consumers who are willing to take power supply from respondent Nos.1 to 5 by a round the clock basis appears to be discriminatory and arbitrary in as much as no such restriction is imposed on those availing supply through Dedicated feeders and also because all the industries in the State cannot be expected to be operative round the clock for them to draw the power.

Therefore, Clause 13(b) of the order dated 18.08.2015 in proceedings No.TSERC/Secy/159/2015 of the 6th respondent is suspended as far as the petitioner is concerned."

4. Sri D. V. Nagarjun Babu, learned Senior Designated Counsel appearing on behalf of the petitioner submits that by virtue of interim orders granted in favour of the petitioner dated 20.11.2015 in W.P.M.P.No.48561 of 2015 passed in

W.P.No.37752 of 2015 (referred to and extracted above) no further orders are necessary to be passed.

5. Sri R. Vinod Reddy, learned Standing Counsel for TSTRANSCO, appearing on behalf of the respondent Nos.1 to 5 does not dispute the said submissions made by Sri D.V. Nagarjun Babu, learned Senior Designated Counsel appearing on behalf of the petitioner.

6. Bringing the said submissions of learned Senior Designated Counsel appearing on behalf of the petitioner on record, the Writ Petition is closed. However, there shall be no order as to costs.

As a sequel, the miscellaneous petitions, if any, pending in the Writ Petition shall also stand closed.

SD/- L. VIJAYA LAXMI
ASSISTANT REGISTRAR

[Signature]
//TRUE COPY//

SECTION OFFICER

To

1. One CC to SRI D.V.NAGARJUNA BABU, Advocate [OPUC]
2. One CC to SRI R.VINOD REDDY (SC FOR TSTRANSCO) Advocate [OPUC]
3. One CC to SRI P.PRASAD, SC FOR TSERC (OPUC)
4. Two CD Copies

SA

GJP

[Signature]

HIGH COURT

DATED:30/10/2024

ORDER

WP.No.37752 of 2015



**CLOSING THE W.P
WITHOUT COSTS.**