

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

MONDAY, THE TWENTY EIGHTH DAY OF MARCH
TWO THOUSAND AND TWENTY TWO

PRESENT

THE HONOURABLE SRI JUSTICE A.ABHISHEK REDDY

WRIT PETITION NO: 15087 OF 2022

Between:

M/s. Sri. Tulasi Constructions, Partnership Firm running its office At H. No. 3-417/2, Sheshadri Nagar, Kukatpally, Hyderabad. Represented by its Partner Sri. B. Subba Reddy, S/o. Sri. Narasimha Reddy, Age 51 years, Occ. Business,

...PETITIONER

AND

1. The State of Telangana, Represented by its Principal Secretary, Power and Energy Department, Secretariat Buildings, At Hyderabad.
2. The Southern Power Distribution Company of Telangana Ltd., Represented by its Chairman cum Managing Director, 6-1-50, Mint Compound, Hyderabad - 500063.
3. The Southern Power Distribution Company of Telangana Ltd., Represented by its Divisional Engineer (Operations), Kukatpally office at Behind Manjeera Mall, KPHB Colony, Medchal Malkajgiri District.
4. The Southern Power Distribution Company of Telangana Ltd., Represented by its Assistant Engineer Operations Office at Nizampet, Medchal Malkajgiri District.
5. The Nizampet Municipal Corporation, Represented by its Commissioner, Nizampet, Medchal-Malkajgiri District.

...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 preferably Writ of Mandamus declaring the action of the Respondent authorities, more specifically Respondent No. 4 in refusing to release the power supply /electricity connection to the petitioners premises in Sy. No. 329, admeasuring to an extent of 2390-00 Sq. Yards situated at Nizampet Village and Gram Panchayat, Bachupally Mandal, under Nizampet Municipal Corporation, Medchal-Malkajgiri District, vide letter Lr. No. AE/Operation/Nizampet/D.No. 544/21-22 dated 07/03/2021 as illegal, arbitrary, without any jurisdiction, contrary to provisions of Electricity Act, 2003 and violative of principles of natural justice and consequently direct the Respondents No. 4 to release the power supply to the Petitioners Premises without referring to letter dated 04/11/2019 issued by Respondent No. 5.

IA NO: 1 OF 2022

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 direct the Respondents No. 4 to release the power supply to the Petitioners premises in Sy. No. 329, admeasuring to an extent of 2390-00 Sq. Yards situated at Nizampet Village and Gram Panchayat, Bachupally Mandal, under Nizampet Municipal Corporation, Medchal-Malkajgiri District, without referring to letter dated 04/11/2019, pending disposal of the main Writ Petition, in the interest of Justice.

Counsel for the Petitioner : SRI SURYA BALU MAHENDRA

Counsel for the Respondent No.1 : GP FOR ENERGY

Counsel for the Respondent Nos.2 to 4 : SRI R. VINOD REDDY

Counsel for the Respondent No.5 : SRI N. PRAVEEN KUMAR

The Court made the following : ORDER

THE HON'BLE SRI JUSTICE A. ABHISHEK REDDY

WRIT PETITION No.15087 of 2022

ORDER:

Heard learned counsel for the petitioner, learned Government Pleader for Energy appearing for respondent No.1, Sri R.Vinod Reddy, learned Standing Counsel appearing for respondent Nos.2 to 4, and Sri N. Praveen Kumar, learned Standing Counsel appearing for respondent No.5. With their consent, the present Writ Petition is being disposed of at the stage of admission itself.

2) In this writ petition, the petitioner is aggrieved by the action of the respondents, more particularly respondent No.4, in refusing to release the power supply to the petitioner's premises situated in Survey No.329 of Nizampet Village, Bachupally Mandal, Medchal-Malkajgiri District.

3) Learned counsel for the petitioner submits that the respondent authorities have refused to release the power supply to the subject premises belonging to the petitioner *vide* refusal letter No.AE/Operation/Nizampet/D.No.544/21-22, dated 07.03.2021.

4) Learned Standing Counsel appearing for respondent Nos.2 to 4, on instructions, has stated that basing on the letter dated 04.11.2019 addressed by respondent No.5, power supply to the premises of the petitioner was refused to be released. He further submits that if the petitioner makes an application, again, the authorities will receive the same and pass necessary orders thereon, as per law.

5) This Court has time and again reiterated that the authorities concerned have to consider the application for power connection on its own merits and

should not be influenced by any letter/communication made by some other Department. The authorities cannot simply refuse/reject the application for power connection based on the letters addressed by other Department Heads.

6) In view of the above made submissions and the law laid down by this Court, the impugned rejection letter is set aside and the petitioner is directed to submit a fresh application before respondents No.4 seeking release of power supply to the subject premises, which shall be received by the authorities and necessary orders be passed thereon, strictly as per law, without reference to the letter dated 04.11.2019 of respondent No.5, as expeditiously as possible, preferably, within a period of four weeks from the date of receipt of a copy of this order.

7) The writ petition is, accordingly, allowed. There shall be no order as to costs.

Consequently, miscellaneous petitions pending, if any, shall stand closed.

SD/-P.PADMANABHA REDDY
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The State of Telangana, Represented by its Principal Secretary, Power and Energy Department, Secretariat Buildings, At Hyderabad.
2. The Southern Power Distribution Company of Telangana Ltd., Represented by its Chairman cum Managing Director, 6-1-50, Mint Compound, Hyderabad - 500063.
3. The Southern Power Distribution Company of Telangana Ltd., Represented by its Divisional Engineer (Operations), Kukutpally office at Behind Manjeera Mall, KPHB Colony, Medchal Malkajgiri District.

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4. The Southern Power Distribution Company of Telangana Ltd., Represented by its Assistant Engineer Operations Office at Nizampet, Medchal Malkajgiri District.
5. The Nizampet Municipal Corporation, Represented by its Commissioner, Nizampet, Medchal-Malkajgiri District.
6. One CC to SRI SURYA BALU MAHENDRA, Advocate [OPUC]
7. Two CCs to GP FOR ENERGY, High Court for the State of Telangana. [OUT]
8. One CC to SRI R. VINOD REDDY, Advocate [OPUC]
9. One CC to SRI N. PRAVEEN KUMAR, Advocate [OPUC]
10. Two CD Copies
11. One Spare Copy

KS

BS

A handwritten signature in black ink, consisting of a stylized 'K' followed by a horizontal line and a diagonal stroke.

HIGH COURT

DATED:28/03/2022

ORDER
WP.No.15087 of 2022



DISPOSED OF THE WRIT PETITION
WITHOUT COSTS.

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HMA
26/5/2022