

HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

[3418]

FRIDAY, THE FOURTH DAY OF OCTOBER
TWO THOUSAND AND TWENTY FOUR

PRESENT

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

WRIT APPEAL NO: 1163 OF 2024

Writ Appeal under clause 15 of the Letters Patent Preferred Against the Order
Dated 07/08/2024, in W.P. No. 38184 of 2022 on the file of the High Court.

Between:

M/s. ISITVA STEEL PRIVATE LIMITED (FORMERLY ICOMM STEEL
LIMITED) STEEL PRIVATE LIMITED, Rep by its Director, Koganti Bhaskara
Rao, S/o. Basava Purnachandra Rao Koganti, Aged about 62 Yrs., Occ.
Director, Off. Address. SY NO. 58 NAGARAM (V), Keesara(M), RR District,
Hyderabad, Telangana.

...APPELLANT/PETITIONER IN WP

AND

1. The State of Telangana, Rep. by its Principal Secretary, Dept. Of Energy,
Secretariat, Hyderabad.
2. Telangana State Southern Power Distribution Company Limited, Rep. by its
Chief Managing Director, Mint Compound, Hyderabad - 500 063.
3. The Superintendent Engineer, TSSPDCL Operation, Habsiguda Circle, Uppal
X Roads, Hyd-500039.
4. The Assistant Divisional Engineer, V.Kishan, Operations, Nagaram,
Habsiguda Circle, Medchal- Malkagiri District, Telangana State.

...RESPONDENTS

IA NO: 2 OF 2024

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 order passed in WP No.38184 of 2022, dt.07/08/2024 in the interest
of the justice.

IA NO: 3 OF 2024

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 respondent not to disconnect the power supply to the petitioner company vide

Electricity Connection No. HT SC No.HBG-2191 in the name of ICOMM STEEL LIMITED, in the interest of the justice.

**Counsel for the Appellant: SRI D.SUBRAMANYAM YADAV FOR
M/s. T.SIREESHA**

Counsel for the Respondent No.1: GP FOR ENERGY

**Counsel for the Respondent Nos.2 TO 4: SRI R.VINOD REDDY, SC FOR
TSSPDCL**

The Court made the following: JUDGMENT

THE HON'BLE THE CHIEF JUSTICE ALOK ARADHE

AND

THE HON'BLE SRI JUSTICE J.SREENIVAS RAO

WRIT APPEAL No.1163 of 2024

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

Mr. D.Subramanyam Yadav, learned counsel representing Ms. T.Sireesha, learned counsel for the appellant.

Mr. R.Vinod Reddy, learned Standing Counsel for Telangana State Southern Power Distribution Company Limited for respondent Nos.2 to 4.

2. With consent of the learned counsel for the parties, the matter is heard finally.

3. In this intra court appeal, the appellant has assailed the validity of the order dated 07.08.2024 passed by learned Single Judge in W.P.No.38184 of 2022, by which writ petition preferred by the appellant has been dismissed.

4. Facts giving rise to filing of this appeal briefly stated are that the appellant is engaged in the field of Power, Oil and Gas, Roads, Defence, Communication and Solar and also manufactures the facilities customized for the needs of establishing the industries. On the request being made by the appellant for electricity connection, the respondents sanctioned electricity connection in the year 2019 with 33KV-2000 Kilo Vat Amperes Contracted Maximum Demand (KVA CMD). Subsequently, on account of the decrease of the consumption, the supply of electricity was changed from 2000 to 1000 KVA CMD at the rate of Rs.6.15/- per unit and an agreement dated 31.10.2017 was executed between the parties. However, the appellant was served with a demand notice, by which the appellant was asked to pay a sum of Rs.37,97,850/- on account of the electricity consumption between the period from February, 2019 to July, 2022. The appellant challenged the validity of the aforesaid demand notice in a writ petition namely W.P.No.38184 of 2022. The learned Single

Judge by an order dated 07.08.2024 has dismissed the writ petition. Hence, this appeal.

5. Learned Senior Counsel for the appellant submitted that the appellant was not given any opportunity of hearing before issuing the impugned demand notice. It is further submitted that the appellant has filed an objection with regard to the demand notice and the respondents be directed to decide the aforesaid objection before proceeding to recover the amount from the appellant.

6. The aforesaid prayer has not been opposed by learned Standing Counsel for respondent Nos.2 to 4.

7. In view of aforesaid submission and in the facts of the case, taking into account the fact that in pursuance of the impugned demand notice, the appellant has already submitted an objection, the respondents shall decide the objection preferred by the appellant before seeking to recover the amount in question from the appellant.

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8. To the aforesaid extent, the order dated 07.08.2024 passed by the learned Single Judge in W.P.No.38184 of 2022 is modified.

9. In the result, the Writ Appeal is disposed of.

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

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SD/-B. SATYAVATHI
DEPUTY REGISTRAR
SECTION OFFICER

To

1. The Principal Secretary, Dept. Of Energy, Secretariat, Hyderabad, State of Telangana.
2. The Chief Managing Director, Telangana State Southern Power Distribution Company Limited, Mint Compound, Hyderabad - 500 063.
3. The Superintendent Engineer, TSSPDCL Operation, Habsiguda Circle, Uppal X Roads, Hyd-500039.
4. The Assistant Divisional Engineer, V.Kishan, Operations, Nagaram, Habsiguda Circle, Medchal- Malkagiri District, Telangana State.
5. One CC to M/s. T.SIREESHA, Advocate [OPUC]
6. Two CCs to GP FOR ENERGY, High Court for the State of Telangana, at Hyderabad. [OUT]
7. One CC to SRI R.VINOD REDDY, SC FOR TSSPDCL [OPUC]
8. Two CD Copies

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HIGH COURT

DATED:04/10/2024

JUDGMENT

WA.No.1163 of 2024



**DISPOSING OF THE WRIT APPEAL
WITHOUT COSTS.**

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