

HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

**WEDNESDAY, THE ELEVENTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY SIX**

PRESENT

**THE HONOURABLE THE CHIEF JUSTICE SRI APARESH KUMAR SINGH
AND
THE HONOURABLE SRI JUSTICE G.M. MOHIUDDIN**

WRIT APPEAL NO: 160 OF 2026

Writ Appeal under clause 15 of the Letters Patent preferred against the order dated 18-09-2025 in W.P.No.2170 of 2024 on the file of the High Court.

Between:

M/s S.D. Polymers, F.S. Road No. 5, Industrial Estate, Chandulal Baradari, Hyderabad -500 063. Rep. by Sri A. Ravinder Goud (Proprietor), Mr. Najeeb Shariff (Beneficiary), S/o Late Omer Shariff aged about 58 years, Occ. Business.

...APPELLANT

AND

1. The Vidyut Ombudsman for the State of Telangana, 33/11 KV Substation, Beside Hyderabad Boat Club, Lumbini Park, Hyderabad.
2. The Assistant Engineer, Operation, Chandulal Baradari, TGSPDCL, Hyderabad.
3. The Assistant Divisional Engineer, Operation, Miralam, TGSPDCL, Hyderabad.
4. The Assistant Accounts Officer, ERO Salarjung, TGSPDCL, Hyderabad.
5. The Divisional Engineer, Operation Charminar, TGSPDCL, Hyderabad.
6. The Superintending Engineer, Operation, Hyderabad South Circle, TGSPDCL, Hyderabad.
7. The State of Telangana, Rep. by its Principal Secretary, Dept. of Energy and Electricity, Secretariat Building, Hyderabad.

...RESPONDENTS

IA NO: 1 OF 2026

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

stay the operation of the order dated 18.09.2025 in WP. No. 2170 of 2024, pending disposal of Writ Appeal.

Counsel for the Appellant: SRI BASA CHANAKYA, REP. Ms. NISHTHA

**Counsel for the Respondent No.2 to 6: SRI N.SREEDHAR REDDY,
SC FOR TGSPDCL**

Counsel for the Respondent No.7: SRI P.GANESH, GP FOR ENERGY

The Court delivered the following: JUDGMENT

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

THE HON'BLE THE CHIEF JUSTICE SRI APARESH KUMAR SINGH
AND
THE HON'BLE SRI JUSTICE G.M.MOHIUDDIN

WRIT APPEAL No.160 of 2026

Dated: 11.02.2026

Between:

M/s. S.D.Polymers

...Appellant

and

The Vidyut Ombudsman for the State
of Telangana, 33/11 KV Substation,
Beside Hyderabad Boat Club,
Lumbini Park, Hyderabad,
and 6 others.

...Respondents

JUDGMENT:

Learned counsel Sri Basa Chanakya, representing learned counsel
Ms. Nishtha, appears for the appellant.

Sri N.Sreedhar Reddy, learned Standing Counsel for Southern
Power Distribution Company of Telangana Limited (TGSPDCL),
appears for respondents No.2 to 6.

Sri P.Ganesh, learned Government Pleader for Energy Department, appears for respondent No.7.

2. On the basis of an inspection conducted on 21.12.2020 by the TGSPDCL, it was observed as under:

“At the time of inspection it is observed supply using for plastic industry (plastic cutting, melting plastic and plastic Dhana) and also it is observed that in the premises 7 no service single entrance using same activity following services are 1. M3-5114 sanctioned load 10 HP connected load 26 HP 2. M3-15207 S L-20HP, CL 25 HP, 3. M3-17945 SL 80 HP CL 78 HP 4. M3-12936 SL 5 HP CL 30 HP 5. M3-14606 SL 15 HP CL 88 HP 6. M3-3813 SL 15 HP CL 12 HP 7 M3-1966 SL 43 HP CL 43 HP. Hence 7 nos services clubbed by clubbing the connect load is 302 HP, but as per sanction load is 188 HP. As per GTCS tariff is load exceed 100 HP the service may be billed under HT category.”

3. The arrear bills with back billing as against all seven connections were raised against the appellant, who is proprietor of one of the connections, invoking clause 3.5 of the General Terms and Conditions of Supply (hereinafter referred to as, “Conditions of Supply”). Clause 3.5 of the Conditions of Supply is quoted hereunder:

“3.5 Definition of Separate Establishment

3.5.1. For the purpose of the GTCS, separate establishments shall include the following types of establishments:

- i. Having distinct set-up and staff;
- ii. Owned or leased by different persons;
- iii. Covered by different licenses or registrations under any law where such procedures are applicable; and
- iv. For domestic category, the households having a separate kitchen.

3.5.2. Each separate establishment will be given a separate point of supply.

3.5.3. Notwithstanding the above provisions, the Company reserves the right, where it is reasonably established, that the consumers of the same group or family or firm or company who are availing supply under different service connections situated within a single premises by splitting the units, the Company may treat such multiple connections existing in the single premises as a single service connection and charge the total consumption of all the consumers at the appropriate tariffs applicable for a single service connection. Any officer authorised by the Company shall issue notices to the concerned consumers asking them to furnish a single application for all such services and to pay required charges for merging the services into a single service.

3.5.4. Wherever the total connected load of all such multiple connections exceeds 75 HP, the consumers must necessarily switch over to HT supply or LT III(B) as the case may be and regularize their services duly following the procedure for availing such supply, within 60 days from the Date of Service of such notice. If the consumer still fails to pay the necessary charges to convert to the specified category, the services will be disconnected after 60 days from the date of service of the notice. Pending such switch over, the licensee shall be entitled to bill the service at HT tariff as per the procedure mentioned under clause 12.3.3.2(i)."

4. The challenge thereto by the appellant before the Consumer Grievances Redressal Forum of TSSPDCL (Greater Hyderabad Area) (CGRF) in C.G.No.106/2022-23/Hyderabad South Circle was disallowed by order dated 26.09.2022, but with the direction to raise bills from the consumption month and not prior to date of inspection, *inter alia*, holding as under:

"17. In view of above discussion supra, the Forum is of the opinion that the Respondents are entitled to club above said seven number services into single service connection as per the Clause 3.5.3 of GTCS and claim the bills under HT category from the consumption month in which the clubbing of services proposed until switching over to HT. Neither in GTCS nor Tariff Orders, it is mentioned about the back billing of clubbed services prior to date of inspection. The Respondents have failed to submit any rules and regulations to support their claim of

back billing for the period prior to the date of inspection. As per Clause 2.5.4 of GTCS, the licensee shall be entitled to bill the service at HT tariff as per the procedure mentioned under Clause 12.3.3.2 (i) of General Terms & Conditions of Supply categorically says that the services shall be billed at the respective HT tariff rates from the consumption month in which the un-authorized additional load is detected, in the instant case, the inspection dt: 10.12.2020 on which the multiple service connections found in the same premises and being used for the same purpose. Therefore, the Forum felt that the back billing issued by the Respondents prior to date of inspection is not in accordance with law and the same is liable to be set aside. However the Respondents are entitled to claim the bills under HT category by clubbing the services into single service for the total consumption from the inspection date i.e. 10.12.2020. The Forum has also observed that the bills of all the services are still being issued under LT category even though the services were to be clubbed from the date of inspection i.e. on 10.12.2020, which shows clear negligence on the part of the Respondents. Therefore, the point no. (i) is answered in favor of the Complainant/Consumer and against the Respondents.

In the result the grievance complaint filed on 07.07.2022 by the Complainant/Consumer is hereby allowed with the following directions to the Respondents/Licensee:

1) The Respondents are hereby directed to set aside the back billing case within (15) days from the date of receipt of this Order copy and shall file the compliance report along with the satisfactory letter of the Complainant/Consumer.

2) The Licensee is hereby directed to take necessary disciplinary action against the concerned officers for the delay in identifying the multiple service connections which are being used by the Consumer in the same premises for the same purpose, and for not raising the seven number services bills under HT category by clubbing all the services from January, 2021 and report compliance within (15) days from the date of receipt of the Order.

The Complaint is disposed off accordingly.

The complainant if aggrieved by the above order may approach the "VIDYUTH OMBUDSMAN" situated at First Floor, 33/11 KV Sub Station Hyderabad Boats Club Lane, Lumbini Park, Hyderabad-500 063, within 45 days from the date of receipt of this order as per clause 3.19(a) of Regulation No.3 of 2015 of TSERC."

5. After that, the TGSPDCL raised bills without the arrears. All the seven consumers preferred complaint cases, being C.G.No.344/2022-23/Hyderabad South Circle and batch cases, before the learned CGRF which were disposed of on 15.05.2023 with the following directions:

"16. The above Clause gives authority to the Respondents to dismantle the service by removing the material, meter, cut out etc. In the instant case, the Complainants/Consumers representative herself admitted during the time of hearing before the Forum on 13.04.2023 that the meters are available with them. Therefore, the Forum felt that the contention of the Respondents that until and unless submission of meters by the Complainant to the Respondents for final bill and payment of arrears against seven service connections, the services cannot be dismantled is tenable. Thereby the rejection orders passed by the Respondents in respect of dismantle of seven service connections is proper and in accordance with the law. Therefore, the Forum is of the opinion that the Complainants/Consumers are liable to pay all the arrears including demand to be raised by the Respondents as per the final meter readings pertaining to seven service connections for dismantlement of service. Thus, the point no. (i) is answered accordingly.

In the result, the grievance complaint filed on 05.01.2023 by the respective Complainants/Consumers are hereby allowed partly with the following directions to the Complainants/Consumers and the Respondents;

(i). The Complainants/Consumers are hereby directed to pay the arrears against their respective service connections as per the demand (final reading) raised by the Respondents within (7) days from the date of issuance of demand notice by the Respondents.

(ii). The Respondents are hereby directed to dismantle the said seven service connections within one month after payment of all the dues against the said service connections duly following the departmental rules in vogue and report compliance.

The Complaint is disposed off accordingly.

The complainant if aggrieved by the above order may approach the "VIDYUTH OMBUDSMAN" situated at First Floor, 33/11 KV Sub Station, Hyderabad Boats Club Lane, Lumbini Park, Hyderabad-500 063, within 45 days from the date of receipt of this order per clause 3.19(a) of Regulation No. 3 of 2015 of TSERC."

6. For alleged non-compliance of the directions, the appellant approached the Vidyut Ombudsman for the State of Telangana (hereinafter referred to as, "the Ombudsman") in Appeal No.38 of 2023-

24. The appeal was rejected vide the order dated 12.12.2023 with a clear finding at paragraph 23, which reads as under:

“23. A careful perusal of the Award in C.G.Nos.106/2022-23 dt.25.09.2022 and the common Award in C.G.Nos.344 to 350/2022-23 dt. 15.05.2023 and the order in C.M.P.No.2 of 2022-23 and the impugned returned letter only goes to show that the Forum found the seven Service Connections were involved in similar type of activity by a group of persons.”

7. On compliance of notice also there was a specific finding in favour of TGSPDCL. The inspection report was also extracted in the order passed by the Ombudsman. The appeal was accordingly rejected confirming the award passed by the learned CGRF. Thereafter the appellant approached the learned writ court by filing W.P.No.2170 of 2024 with a prayer to set aside the order passed in Appeal No.38 of 2023-24 dated 12.12.2023 by a writ of certiorari. An interlocutory prayer was also made to refund the amount of Rs.22,86,385/-. The same has been declined by the learned writ court, by impugned order dated 18.09.2025, *inter alia*, holding as under:

“6. Moreover, petitioner, who approached this Court under Article 226 of the Constitution of India seeking a Writ of Certiorari cannot re-agitate the issues which are already decided by two fact-finding fora. Learned Standing Counsel contended that the scope of Writ of Certiorari is limited only to the jurisdictional error and relied upon the judgment of the Apex Court in **Central Council for Research in Ayurvedic Sciences Vs Bikartan Das** ((2023) 16 SCC 462) wherein it has been held that “the two cardinal principles of law governing exercise of extraordinary jurisdiction under Art. 226 of the Constitution more particularly when it comes to issue of Writ of Certiorari, the High Court does not exercise power of Appellate Tribunal. It does not review or reweigh the evidence upon which determination of the inferior Tribunal purports to be based. It

demolishes the order which it considers to be without jurisdiction or palpably erroneous but does not substitute its own views for those of the inferior tribunal. The Writ of Certiorari can be issued if an error of law is apparent on the face of the record. A Writ of Certiorari, being a high prerogative writ, should not be issued on mere asking. The second cardinal principle of exercise of extraordinary jurisdiction under Art. 226 of the Constitution is that in a given case, even if some action or order is challenged in the Writ Petition is found to be illegal or invalid, the High Court, while exercising its extraordinary jurisdiction thereunder, can refuse to upset it with a view of doing substantial justice between the parties. Article 226 of the Constitution grants an extraordinary remedy, which is essentially discretionary, although found on legal injury. It is perfectly open for the writ Court, exercising the flexible power to pass orders as public interest dictates and equity projects.

7. After considering all the facts, this Court is of the opinion that the above Writ Petition has to fail for the reasons that Consumer Grievance Redressal Forum is not made a party nor the Award passed by it has not been questioned in the above Writ Petition, and on the two cardinal principles governing the issue of writ of certiorari as the petitioner has not shown nor contended that the Award passed by the Vidyuth Ombudsman was one without jurisdiction, or palpably erroneous.

8. In view of the above discussion, this Court finds no illegality or irregularity in the action of Respondents and the Writ Petition as framed is totally misconceived and is liable to be dismissed for the reasons stated above.

9. The Writ Petition is accordingly, dismissed. No costs.

10. Consequently, the miscellaneous Applications, if any shall stand closed."

8. Being aggrieved, the appellant is in appeal.

9. We have heard learned counsel for the parties.

10. Two aspects emerge out of the pleadings and documents referred to from the record. One, that all the seven premises, though had separate connections, but were engaged in same activity of plastic industry

(plastic cutting, melting plastic and plastic Dhana). Two, clause 3.5 of the Conditions of Supply quoted above permits the Distribution Company to club multiple connections existing in single premises as a single service connection and charge the total consumption of all the consumers at the appropriate tariffs applicable for a single service connection after issuing notices to the concerned consumers where it is reasonably established that the consumers of the same group or family or firm or company who are availing supply under different service connections situated within a single premises by splitting the units. Clause 3.5.4 of the Conditions of Supply further provides that if the total connected load of all multiple connections exceeds 75 HP, the consumers have to switch over to HT supply or LT III(B) as the case may be after regularising their services by following the procedure for availing such supply within 60 days from the date of service of such notice. The fact that multiple connections were carrying out the same activity as found in the inspection was affirmed in the first round of litigation by the learned CGRF as per the finding extracted above which became final. The second round of litigation before the learned CGRF was on behalf of individual consumers/connections with the complaint that their meters have not been dismantled and the refund balance has not been paid. The learned CGRF vide order dated 15.05.2023 partly

allowed the complaints with directions to pay the arrears against the respective service connections as per the demand (final reading) raised by the TGSPDCL within seven days from the date of issuance of demand notice by TGSPDCL. TGSPDCL was directed to dismantle the seven service connections within one month after payment of all the dues against the said service connections duly following the departmental rules in vogue and report compliance. Thereafter, being aggrieved, one of the consumers, who is the appellant, approached the learned writ court with the prayer as referred to above.

11. Learned counsel for the appellant has sought to question the findings which have attained finality in the earlier round of litigation on the clubbing of connections. However, that is not open to challenge now. The TGSPDCL has converted the multiple connections to HT connections since the combined load was above 75 HP. The meters have also been dismantled after compliance of notice period. The learned writ court, therefore, rightly refused to interfere in the matter in exercise of certiorari jurisdiction, as no error or irregularity or illegality or irrationality has been found in the findings of the learned inferior forums or Ombudsman.

12. Learned Standing Counsel for TGSPDCL has also taken us to the findings of the learned CGRF in the two rounds of litigations and that of the Ombudsman to bring home the point that the issues relating to fact are no longer open for being raised at this stage in appeal proceedings when none of the grounds to invoke certiorari jurisdiction of the court are satisfied.

13. Upon hearing the learned counsel for the parties and upon perusal of the relevant materials placed from the record and on perusal of the impugned order, we do not find any error in the approach of the learned writ court warranting interference.

14. Therefore, the instant appeal is dismissed. There shall be no order as to costs.

Miscellaneous applications pending, if any, shall stand closed.

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SD/-MOHD.ISMAIL
DEPUTY REGISTRAR

SECTION OFFICER

To,

1. One CC to Ms. NISHTHA, Advocate [OPUC]
2. One CC to SRI N.SREEDHAR REDDY, SC FOR TGSPDCL [OPUC]
3. Two CCs to GP FOR ENERGY, High Court for the State of Telangana at Hyderabad [OUT]
4. Two CD Copies

BSR/BSK

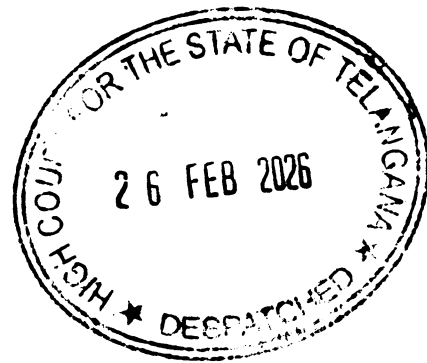
CHR

HIGH COURT

DATED: 11/02/2026

JUDGMENT

WA.No.160 of 2026



**DISMISSING THE WRIT APPEAL,
WITHOUT COSTS**

⑦ CHR
23/2/26