



**IN THE HIGH COURT OF ANDHRA PRADESH: AT AMARAVATI**  
**(Special Original Jurisdiction)**

THURSDAY, THE TWENTY FIFTH DAY OF JANUARY  
 TWO THOUSAND AND TWENTY FOUR

**:PRESENT:**

**THE HONOURABLE SRI DHIRAJ SINGH THAKUR, CHIEF JUSTICE**  
**AND**

**THE HONOURABLE SRI JUSTICE R RAGHUNANDAN RAO**

**WRIT PETITION NO: 1737 OF 2024**

**Between:**

1. Mytrah Vayu (Indravati) Private Limited, Having its registered office at 8001, Survey No. 109, Q-eity, Nanakramguda, Gaehibowli, Hyderabad- 500032, Telangana Represented by its Authorized Representative, Sri. S.Nagarjuna Reddy
2. Mytrah Vayu (Krishna) Private Limited, Having its registered office at 8001, Survey No. 109, Q-eity, Nanakramguda, Gaehibowli, Hyderabad- 500032, Telangana Represented by its Authorized Representative, Sri. S.Nagarjuna Reddy
3. Mytrah Vayu (Tungabhadra) Private Limited, Having its registered office at 8001, Survey No. 109, Q-eity, Nanakramguda, Gaehibowli, Hyderabad- 500032, Telangana Represented by its Authorized Representative, Sri. S.Nagarjuna Reddy
4. Jsw Neo Energy Limited, Having its registered office at JSW Centre, Bandra Kurla Complex, Bandra (East), Mumbai- 400051 Represented by its Authorized Representative, Sri. S.Nagarjuna Reddy

**Petitioners**

**AND**

1. The AP Electricity Regulatory Commission, Represented by its Secretary, 4<sup>th</sup> Floor, Singareni Bhavan, Red Hills, Hyderabad- 500 004.
2. Southern Power Distribution Company of Andhra Pradesh Limited, Represented by the Chairman & Managing Director, Beside Srinivasa Kalyanamandapam, Turuchanur Road, Tirupathi- 517501.
3. Eastern Power Distribution Company of Andhra Pradesh Limited, Represented by its Chairman AND Managing Director, P & T Colony, Seethammadhara, Vishakhapatnam- 530020.
4. Ministry of New & Renewable Energy, Represented by its Secretary, Block-14, CGO Complex, Lodhi Road, New Delhi- 110 003.
5. Indian Renewable Energy Development Agency, Represented by its Chairman, India Habitat Centre, East Court, Core-4 A, 1<sup>st</sup> Floor, Lodhi Road, New Delhi - 11 00 03.

**Respondents**

Petition under Article 226 of the Constitution of India is filed praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue an appropriate writ, direction or order more particularly one in the nature of Writ of Mandamus declaring the Impugned Regulation No, 1/2015 passed by Respondent No.1 (Andhra Pradesh Electricity Regulatory Commission) as ultra vires, unlawful and unconstitutional to the extent that it mandatorily prescribes factoring of GBI into the tariff and set aside the Impugned Order dated 28.07.2018

passed by Respondent No.1 in O.P. No.1 of 2017 including all actions in pursuance thereof and/or pass

**IA NO: 1 OF 2024**

Petition under Section 151 CPC is filed praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to suspend the operation of Impugned Order dated 28.07.2018 passed by Respondent No.1 in O.P.No.1 of 2017, by directing Respondent No.2 to remit the amounts that were wrongfully withheld and do not withhold any payments from petitioners on the GBI related accounts, and the matter be tagged with the matter was tagged with the Writ Petitions being WP 29841, 29847, 29877, 30177, 31311, 32564, 32569, 33534, 33535, 33536, 33543 and 33546 of 2018, pending disposal of W.P.No.1737 of 2024, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of Ms. Anukriti Jain and Sri P. Sri Raghuram, learned Senior Counsel and Sri Aditya K Singh, learned counsel, also appear for SRI.CHALLA GUNARANJAN Advocate for the Petitioners, Sri V. R. N. Prashant, Standing Counsel for respondent No.1, Sri V. R. Reddy Kovvuri, Standing Counsel for respondent No.2, Sri Metta Chandrasekhara Rao, Standing Counsel for respondent No.3, Sri Y. V. Anil Kumar, Standing Counsel for respondent Nos.4 & 5, the Court made the following.

**ORDER:**

**Heard Sri P. Sri Raghuram, learned Senior Counsel appearing for Sri Challa Gunaranjan, learned counsel for the petitioners.**

**Ms. Anukriti Jain and Sri Aditya K Singh, learned counsel, also appear for the petitioners.**

**Service of notice waived by Sri V. R. N. Prashant, learned Standing Counsel for respondent No.1.**

**Service of notice waived by Sri V. R. Reddy Kovvuri, learned Standing Counsel for respondent No.2.**

**Service of notice waived by Sri Metta Chandrasekhara Rao, learned Standing Counsel for respondent No.3.**

**Service of notice waived by Sri Y. V. Anil Kumar, learned Standing Counsel for respondent Nos.4 and 5.**

**List on 14.03.2024 along with W.P. No.29847 of 2018 and batch.**



In the meantime, the order passed in connected matter i.e., I.A. No.1 of 2018 in W.P.No.29847 of 2018 on 23.08.2018 shall apply in similar terms in the present case also.

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For /

Sd/- B. CHITTI JOSEPH  
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Secretary, AP Electricity Regulatory Commission, 4<sup>th</sup> Floor, Singareni Bhavan, Red Hills, Hyderabad- 500 004.
2. The Chairman & Managing Director, Southern Power Distribution Company of Andhra Pradesh Limited, Beside Srinivasa Kalyanamandapam, Turuchanur Road, Tirupathi- 517501.
3. The Chairman & Managing Director, Eastern Power Distribution Company of Andhra Pradesh Limited, P & T Colony, Seethammadhara, Vishakhapatnam- 530020.
4. The Secretary, Ministry of New & Renewable Energy, Block-14, CGO Complex, Lodhi Road, New Delhi- 110 003.
5. The Chairman, Indian Renewable Energy Development Agency, India Habitat Centre, East Court, Core-4 A, 1<sup>st</sup> Floor, Lodhi Road, New Delhi - 11 00 03.. (1 TO 5 by RPAD)
6. One CC to SRI.CHALLA GUNARANJAN Advocate [OPUC]
7. One CC to SRI.V.R.N.Prashanth Advocate [OPUC]
8. One CC to Sri.V.R.Reddy Kovvuri, Standing Counsel (OPUC)
9. One CC to Sri.Metta Chandra Sekhara Rao, Standing Counsel (OPUC)
10. One CC to Sri.Y.V.Anil Kumar, Standing Counsel (OPUC)
11. The Section Officer, Writ Posting, High Court of A.P.
12. Two spare copies

SRL

**HIGH COURT**

**HC,J & RRR,J**

**DATED:25/01/2024**

**NOTE: LIST ON 14.03.2024 ALONG WITH W.P. NO.29847 OF 2018 AND BATCH.**

**ORDER**

**WP.No.1737 of 2024**

**DIRECTION**

