

IN THE HIGH COURT OF ANDHRA PRADESH :: AMARAVATI

TUESDAY, THE FOURTH DAY OF AUGUST,
TWO THOUSAND AND TWENTY

: PRESENT:

THE HONOURABLE SMT JUSTICE T. RAJANI
WRIT PETITION NO: 13083 OF 2020**Between:**

M/s Mylan Laboratories Ltd, Regd. Off. 564/A/22, Road No. 92, Jubilee Hills, Hyderabad, Telangana- 500 096 Rep. by its Senior Manager, Ravi Kiran SVS Having its Unit (Unit - 8) at Chodavaram Village, Pusapetarega Mandal, Vizianagaram District Service Connection No. VZM-103

Petitioner**AND**

1. Eastern Power Distribution Company of Andhra Pradesh Limited, represented by its Chairman and Managing Director, P and T Colony, Seethammadhara, Visakhapatnam.
2. The Superintending Engineer, Operation Circle, Eastern Power Distribution Company of Andhra Pradesh Ltd, Vizianagaram.
3. The Senior Accounts Officer, Operation Circle, Eastern Power Distribution Company of Andhra Pradesh Ltd, Vizianagaram.
4. State Load Dispatch Centre (SLDC), Transmission Corporation of Andhra Pradesh, Vidyuth Soudha, Gunadala, Eluru Road, Vijayawada Represented by its Chief General Manager (Planning)

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 in the nature of a Writ of Mandamus or any other appropriate writ, direction or order declaring the action of the respondents in insisting to obtain Format -A - and Format - B- in the place of Annexure-I prescribed by Andhra Pradesh Electricity Regulatory Commission under Regulation 2 of 2005 as pre-requisite for applying to 4th respondent Nodal Agency, for issuance of No Objection Certificate/ Standing Clearance for purchase of power from IEX and the Trader M/s.GMR Energy Trading by availing open access as wholly arbitrary, illegal, without jurisdiction and consequently set aside the proceedings vide Lr.No. SE/O/VZM/SAO/HT/JAO/Sr Asst/D.No.330/20 dated 24.07.2020 issued by 2nd respondent rejecting the request for issuing no dues certificate and consequently direct the respondents to follow Format prescribed in Annexure-I to Regulation 2 of 2005 and Central Electricity Regulatory Commission (Open Access in Interstate Transmission) Regulations 2008 to issue no objection Certificate / Standard Clearance to avail Open Access Power

IA NO: 1 OF 2020

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 to issue No Objection Certificate/ Standing Clearance to the petitioner for the service connection bearing No.HTVZM-103 to avail open access for purchase of Energy from IEX through the Trader M/s.GMR Energy Trading without insisting for production of "No Dues Certificate" in Form "A" by the 2nd & 3rd respondents by suspending the impugned proceedings Lr.No. SE/O/VZM/SAO/HT/JAO/Sr Asst/D.No.330/20 dated 24.07.2020 issued by 2nd respondent, pending disposal of WP 13083 of 2020, 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 SRI CHALLA GUNARANJAN Advocate for the Petitioner, and of SRI METTA CHANDRASEKHAR Rao for Respondent Nos.1 to 3, the Court made the following.

ORDER:

"At the request of the Standing Counsel for the respondent Nos.1 to 3 that the Additional Advocate General wants to appear and argue in this matter and considering the contention of the petitioner's counsel that in similar matter, this Court passed interim order dated 20.7.2020 in Writ Petition No.10577 of 2020, there shall be following order in this case also:

"In view of the facts and circumstances of the case, if the petitioner wants to avail energy through open access, DISCOMS may not insist for 'No Due Certificate' for the dues to the DISCOMS. Once open access charges are paid, the petitioner may be permitted to avail open access subject to other conditions. However it is open for the DISCOMS to take appropriate action according to the provisions of Electricity Act, 2003 for recovery of dues".

Print the name of Sri Metta Chandrasekhar Rao for respondent Nos.1 to 3.

Post the matter on 01.9.2020."

Sd/-R.KARTHEKEYAN
ASSISTANT REGISTRAR

//TRUE COPY//

For ASSISTANT REGISTRAR

To,

1. The Chairman and Managing Director, Eastern Power Distribution Company of Andhra Pradesh Limited, P and T Colony, Seethammadhara, Visakhapatnam.
2. The Superintending Engineer, Operation Circle, Eastern Power Distribution Company of Andhra Pradesh Ltd, Vizianagaram.
3. The Senior Accounts Officer, Operation Circle, Eastern Power Distribution Company of Andhra Pradesh Ltd, Vizianagaram.
4. The Chief General Manager (Planning), State Load Dispatch Centre (SLDC), Transmission Corporation of Andhra Pradesh, Vidyuth Soudha, Gunadala, Eluru Road, Vijayawada (Addresses 1 to 4 by RPAD)
5. One CC to SRI CHALLA GUNARANJAN Advocate [OPUC]
6. One CC to SRI METTA CHANDRASEKHAR Advocate [OPUC]
7. One spare copy

HIGH COURT

TRJ

DATED:04/08/2020

NOTE: POST ON 01-09-2020

ORDER

WP.No.13083 of 2020

