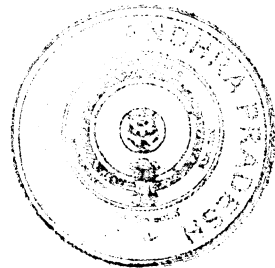


**(SHOW CAUSE NOTICE BEFORE ADMISSION)
IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(SPECIAL ORIGINAL JURISDICTION)**

TUESDAY, THE TWENTY NINTH DAY OF DECEMBER,
TWO THOUSAND AND TWENTY

:PRESENT:

THE HONOURABLE SRI JUSTICE M. GANGA RAO



WRIT PETITION NO: 16593 OF 2020

Between:

Pamidi Gavarayya, S/o. Krishna Murthy (Late), D.No. 1-235, Kovela Street,
Urjam (V), Polaki (M), Srikakulam District - 532 429

...Petitioner

AND

1. The State of AP, Rep by its Secretary Department of Energy, 2nd Block, Room No. 141, Ground Floor, A.P. Secretariat Office, Velagapudi, Guntur District.
2. The Eastern Power Distribution Company of AP Limited, P & T Colony, Seethammadhara, Visakhapatnam, Andhra Pradesh.
3. The Andhra Pradesh Electricity and Regulatory Commission, 11-4-660, 4th Floor, Singareni Bhavan, Red Hills, Hyderabad - 500 004.
4. The Consumer Grievances Redressal Forum, APEPDCL, P & T Colony, Seethammadhara, Visakhapatnam, Andhra Pradesh
5. The Assistant Engineer, Operation, APEPDCL, Polaki, Srikakulam District -532 421
6. The Assistant Accounts Officer, APEPDCL, ERO - Tekkali, Srikakulam District - 532 201.
7. The Assistant Divisional Engineer, Operation, APEPDCL, Operation Sub-Division, Narasannapeta, Srikakulam District - 532 421.
8. The Divisional Engineer, Operation, APEDPCL, Operation Division, Tekkali, Srikakulam District - 532 201.

...Respondents

WHEREAS the Petitioner above named through his/her Advocate Sri Dandugula Satya Siva Darshan, presented this 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 any order, direction or writ more particularly one in the nature of Writ of Certiorari and

A. Call for the records in CG.No. 300/2019 on the file of Consumer Grievances Redressal Forum (Respondent No.4) and quash the Order dated 28.02.2020 in CG.No. 300/2019 as arbitrary, illegal, contrary to the settled principles of law and in violation of the fundamental rights guaranteed to the Petitioner under Constitution of India,

B. Declare the actions of the Respondents in denying new electricity service connection to the Petitioner on the ground of pendency of unconnected minimum charges created by the earlier lessee of the Petitioner as illegal, arbitrary, contrary to the settled principles of law and in violation of the fundamental rights guaranteed to the Petitioner under Constitution of India and consequently direct the Respondents to provide new electricity service connection to the Petitioner without insisting on payment of any pending charges including unconnected minimum charges allegedly due to be paid by the lessee of the Petitioner,

C. Declare the actions of the Respondents in placing reliance on Clause 8.4 of the General Conditions to deny the new electricity connection to the Petitioner despite not having any element of sale admittedly as arbitrary, illegal, contrary to the settled principles of law and in violation of the fundamental rights guaranteed to the Petitioner under Constitution of India,

D. Alternatively, declare the Clause 8.4 of the General Conditions as arbitrary, unreasonable, illegal, contrary to the settled principles of law and in violation of the fundamental rights guaranteed to the Petitioner under Constitution of India if the same is read to make it applicable even to the transaction of lease and consequently strike down the same as void, arbitrary, unreasonable and unconstitutional

AND WHEREAS the High Court upon perusing the petition and affidavit filed herein and Order of High Court dated 17-09-2020 made herein upon hearing the arguments of Sri Dandugula Satya Siva Darshan, Advocate for the Petitioner, and Sri Metta Chandrasekhar Rao, Standing Counsel for Respondent Nos 2, 5, 6, 7 & 8 and Sri P. Srinivasa Rao, Advocate for Respondent No.4, directed issue of notice to the Respondents herein to show cause as to why this WRIT PETITION should not be admitted.

You viz:

1. The Secretary, Department of Energy, State of AP, 2nd Block, Room No. 141, Ground Floor, A.P. Secretariat Office, Velagapudi, Guntur District.
2. The Eastern Power Distribution Company of AP Limited, P & T Colony, Seethammadhara, Visakhapatnam, Andhra Pradesh.
3. The Andhra Pradesh Electricity and Regulatory Commission, 11-4-660, 4th Floor, Singareni Bhavan, Red Hills, Hyderabad - 500 004.
4. The Consumer Grievances Redressal Forum, APEPDCL, P & T Colony, Seethammadhara, Visakhapatnam, Andhra Pradesh.
5. The Assistant Engineer, Operation, APEPDCL, Polaki, Srikakulam District -532 421
6. The Assistant Accounts Officer, APEPDCL, ERO - Tekkali, Srikakulam District - 532 201.
7. The Assistant Divisional Engineer, Operation, APEPDCL, Operation Sub-Division, Narasannapeta, Srikakulam District - 532 421.
8. The Divisional Engineer, Operation, APEDPCL, Operation Division, Tekkali, Srikakulam District - 532 201.

are directed to show cause on or before 19-01-2021 to which date the case stands posted as to why in the circumstances set out in the petition and affidavit filed therewith (copy enclosed) this WRIT PETITION should not be admitted.

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 provide new electricity service LT connection under non-domestic category to the petitioner pending the disposal of WP 16593 of 2020, on the file of the High Court.

The Court made the following

ORDER:

Issue notice before admission.

Sri Metta Chandrasekhar Rao, learned Standing Counsel takes notice for the respondents 2,5,6,7 & 8 and waives further notice.

Sri P. Srinivasa Rao, learned counsel, takes notice for the 4th respondent and wavier further notice and seeks time to file counter.

Post on 19-01-2021.

//TRUE COPY//

Sd/- M. Suryanadha Reddy
ASSISTANT REGISTRAR

For ASSISTANT REGISTRAR

To,

1. The Secretary, Department of Energy, State of AP, 2nd Block, Room No. 141, Ground Floor, A.P. Secretariat Office, Velagapudi, Guntur District.
2. The Eastern Power Distribution Company of AP Limited, P & T Colony, Seethammadhara, Visakhapatnam, Andhra Pradesh.
3. The Andhra Pradesh Electricity and Regulatory Commission, 11-4-660, 4th Floor, Singareni Bhavan, Red Hills, Hyderabad - 500 004.
4. The Consumer Grievances Redressal Forum, APEPDCL, P & T Colony, Seethammadhara, Visakhapatnam, Andhra Pradesh.
5. The Assistant Engineer, Operation, APEPDCL, Polaki, Srikakulam District -532 421
6. The Assistant Accounts Officer, APEPDCL, ERO - Tekkali, Srikakulam District - 532 201.
7. The Assistant Divisional Engineer, Operation, APEPDCL, Operation Sub-Division, Narasannapeta, Srikakulam District - 532 421.
8. The Divisional Engineer, Operation, APEDPCL, Operation Division, Tekkali, Srikakulam District - 532 201. **(Addresses Nos 1 to 8 by RPAD along with a copy of petition and affidavit)**
9. One CC to Sri. Dandugula Satya Siva Darshan Advocate [OPUC]
10. One CC to Sri Srinivasa Rao Putluri, Standing Counsel [OPUC]
11. One CC to Sri Metta Chandra Sekhar, Standing Counsel [OPUC]
12. Two CCs to GP for Energy, High Court of Andhra Pradesh. [OUT]
13. One spare copy

skm

HIGH COURT

MGR,J

DATED: 29-12-2020

NOTE: POST ON 19-01-2021

NOTICE BEFORE ADMISSION

WP.No.16593 of 2020

11 JAN 2021