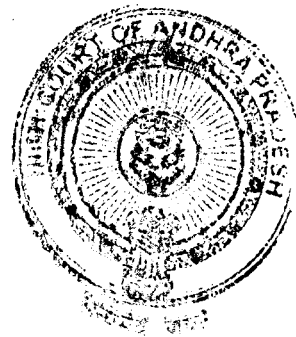


**(SHOW CAUSE NOTICE BEFORE ADMISSION)
IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(SPECIAL ORIGINAL JURISDICTION)**



MONDAY, THE EIGHTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY ONE

:PRESENT:
THE HONOURABLE SRI JUSTICE C.PRAVEEN KUMAR

WRIT PETITION NO: 25858 OF 2021

Between:

Mytrah Vayu (Krishna) Private Limited, Having its registered office at. 80001, Q - City, S.No. 109, Nanakramguda, Gachibowli, Hyderabad - 500 032 Represented by its authorized signatory Mr. K. Mahesh Kumar.

...Petitioner

AND

1. The Southern Power Distribution Company of Andhra Pradesh Limited, Rep. by its Managing Director/ Chief General Manager / O&M Raghavendranagar, Kesavayunigunta, Tiruchanoor Road, Tirupati - 517 501.
2. The State of Andhra Pradesh, Rep. by its Principal Secretary, Department of Energy, Infrastructure & Investment, Having office at - 2nd Block, Ground Floor, Room No. 141, AP Secretariat, Velagapudi Andhra Pradesh
3. The Executive Director RAC, Plg, EA & IPC The Southern Power Distribution Company of Andhra Pradesh Limited, Raghavendranagar, Kesavayunigunta, Tiruchanoor Road, Tirupati - 517 501.

...Respondents

WHEREAS the Petitioner above named through its Advocate Sri Avinash Desai 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 appropriate writ, order or direction, more particularly one in the nature of Writ of Mandamus,

- (i) Declaring the action of the Respondents, more particularly Respondent No. 3 in issuing the Impugned Proceedings dated 06.10.2021 bearing Lr.No.APSPDCL/TPT/ED/IPC/GM IPC/EE/F.325/D.No.923/21 dt. 06.10.2021 and letter bearing Lr. No. APSPDCL/ TPT/ED/IPC/GM/ IPC/EE/F.325/D.No.1016/21 dated 29.10.2021 as illegal, arbitrary, unconstitutional and without jurisdiction and consequently set aside the same;
- (ii) Declaring the action of Respondents in not making payments including the admitted and legitimate dues at par with other similarly situated power generators as illegal, arbitrary, unconstitutional and consequently direct the Respondents to continue making payments to the Petitioner as being made to other power generators;

AND WHEREAS the High Court upon perusing the petition and affidavit filed herein and upon hearing the arguments of Sri Avinash Desai, Advocate for the Petitioner, Sri S.Sivaram, learned Standing Counsel representing Sri Y Nagi Reddy, Standing Counsel for Respondents, 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 Managing Director/ Chief General Manager / O&M, Southern Power Distribution Company of Andhra Pradesh Limited, Raghavendranagar, Kesavayunigunta, Tiruchanoor Road, Tirupati - 517 501.
2. The Principal Secretary, Department of Energy, Infrastructure & Investment, State of Andhra Pradesh, Having office at - 2nd Block, Ground Floor, Room No. 141, AP Secretariat, Velagapudi Andhra Pradesh
3. The Executive Director RAC, Plg, EA & IPC The Southern Power Distribution Company of Andhra Pradesh Limited, Raghavendranagar, Kesavayunigunta, Tiruchanoor Road, Tirupati - 517 501.

are be and hereby directed to show cause either appearing in person or through an Advocate, as to why in the circumstances set out in the petition and the affidavit filed therewith (copy enclosed) this WRIT PETITION should not be admitted, on or before 16.11.2021, on which date the case stands posted for hearing.

IA NO: 1 OF 2021

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to direct the Respondents to continue to make payments to the Petitioner at par with the other power generators, subject to the outcome of O.P. No. 90 of 2021, pending disposal of WP No. 25858 of 2021, on the file of the High Court.

The Court made the following;

ORDER:

"Notice before admission.

In view of the representation made by the learned counsel for petitioner, it appears that the main issue involved in this case relates to disconnection of the power supply.

Sri S.Sivaram, learned counsel, representing Sri Y.Nagi Reddy, learned standing counsel, representing on behalf of the respondents, seeks time to get instructions and file counter, if necessary. According to him, there is no disconnection of power supply till date.

List the matter after one week."

//TRUE COPY//


**SD/- K.TATA RAO
DEPUTY REGISTRAR**


**SECTION OFFICER
FO. ASSISTANT REGISTRAR**

To,

1. The Managing Director/ Chief General Manager / O&M, Southern Power Distribution Company of Andhra Pradesh Limited, Raghavendranagar, Kesavayunigunta, Tiruchanoor Road, Tirupati - 517 501.
2. The Principal Secretary, Department of Energy, Infrastructure & Investment, State of Andhra Pradesh, Having office at - 2nd Block, Ground Floor, Room No. 141, AP Secretariat, Velagapudi Andhra Pradesh
3. The Executive Director RAC, Plg, EA & IPC The Southern Power Distribution Company of Andhra Pradesh Limited, Raghavendranagar, Kesavayunigunta, Tiruchanoor Road, Tirupati - 517 501. (1 to 3 by RPAD- along with a copy of petition and Affidavit)
4. One CC to Sri. Avinash Desai, Advocate [OPUC]
5. One CC to Sri. Y Nagi Reddy, Advocate [OPUC]
6. One spare copy.

MSB

HIGH COURT

CPK,J

DATED:08/11/2021

ORDER

LIST THE MATTER AFTER ONE WEEK

NOTICE BEFORE ADMISSION

WP.No.25858 of 2021

INTERIM DIRECTION

17 NOV