

[3207]

**(SHOW CAUSE NOTICE BEFORE ADMISSION)
IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATHI
(Special Original Jurisdiction)**

THURSDAY, THE SEVENTEENTH DAY OF NOVEMBER,
TWO THOUSAND AND TWENTY TWO

:PRESENT:

**THE HONOURABLE SRI JUSTICE BATTU DEVANAND
WRIT PETITION NO: 37275 OF 2022**



Between:

M/s RD TMT Steel India Private Limited, Plot No.37, Gollapuram Village, IDA, Hindupur (M), Anantapur District, Andhra Pradesh. Rep. by its Director Sri. Sanjay Kumar Agarwal.

With Service Connection No. ATP 438

...Petitioner

AND

1. State of Andhra Pradesh, Energy Department, Secretariat, Velagapudi, Amaravathi, Guntur District, Rep. by its Principal Secretary
2. Southern Power Distribution Company of Andhra Pradesh Ltd., Renigunta Road, Tirupati, represented by its Managing Director

...Respondents

WHEREAS the Petitioner above named through its Advocate CHALLA GUNARANJAN 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 an appropriate Writ, Order or direction, more particularly one in the nature of Writ of Mandamus (a) Declaring that the impugned notification in G.O.Ms.No.7, Energy (Power-III) Department dated 08.04.2022 levying electricity duty at Re 1/-per unit on the energy sales to industrial and commercial consumers alone is vitiated by colorable exercise of power, gross overreach and interference with the statutory policy notifications of the Central Government and the exclusive statutory power and function of the State Electricity Regulatory Commission under a law enacted by Parliament, illegality, arbitrariness, irrationality, unreasonableness, hostile discrimination and in violation of Articles 14 and 19(1)(g) of the Constitution, and to set aside the said notification. and (b) Declaring that the consequential action of the 2nd Respondent in levying and collecting electricity duty on the Petitioners in the HT bills from the month of May 2022 without previous sanction from the State Government under section 7(1) of the Electricity Duty Act, 1939 as illegal, arbitrary and unauthorized, and to set aside the demands. and (c) Directing the Respondents to consequently to refund the amounts collected towards Electricity Duty in terms of the impugned notification.

AND WHEREAS the High Court upon perusing the petition and affidavit filed herein and upon hearing the arguments of Sri CHALLA GUNARANJAN Advocate for the Petitioner, GP for Energy for the Respondent No.1 and Sri. V.R.Reddy Kovvuri, Learned Standing Counsel for A.P.S.P.D.C.L for the Respondent No.2, 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 Principal Secretary, State of Andhra Pradesh, Energy Department, Secretariat, Velagapudi, Amaravathi, Guntur District.

2. The Managing Director, Southern Power Distribution Company of Andhra Pradesh Ltd., Renigunta Road, Tirupati.
be and hereby are directed to show cause, either appearing in person or through 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 01.12.2022, on which date the case stands posted for hearing.

THE COURT MADE THE FOLLOWING ORDER:

"Notice before admission.

Learned Government Pleader for Energy takes notice for the respondent No.1.

Sri V.R.Reddy Kovuru, learned Standing Counsel, takes notice for the 2nd respondent and sought time to file Counter Affidavit.

Post on 01.12.2022."

SD/- B.PRASAD RAO
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, State of Andhra Pradesh, Energy Department, Secretariat, Velagapudi, Amaravathi, Guntur District.
2. The Managing Director, Southern Power Distribution Company of Andhra Pradesh Ltd., Renigunta Road, Tirupati.(1 to 2 by RPAD- along with a copy of petition and Affidavit)
3. One CC to SRI. CHALLA GUNARANJAN Advocate [OPUC]
4. One CC to SRI. V.R.REDDY KOVVURI, Standing counsel[OPUC]
5. Two CCs to GP FOR ENERGY, High Court Of Andhra Pradesh. [OUT]
6. One spare copy

PSD

HIGH COURT

DEVJ

DATED:17/11/2022

NOTE: POST ON 01.12.2022

NOTICE BEFORE ADMISSION

WP.No.37275 of 2022

