HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

THURSDAY, THE SIXTH DAY OF JUNE
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE THE CHIEF JUSTICE ALOK ARADHE
AND
THE HONOURABLE SHRI JUSTICE ANIL KUMAR JUKANTI

WRIT APPEAL NO: 443 OF 2024

Writ Appeal under clause 15 of the Letters Patent Appeal preferred against the order dated 07/03/2024 passed in I.A No. 2 OF 2024 the W.P.No. 856 of 2024 on the file of the High Court.

Between:

Y. Jaihind Reddy, S/o Late Sri Raji Reddy, Aged about 72 years, Occ Business, R/o Plot No. 52, Flat No. 102, Monarch Apartments, Road No 2, Jubilee Hills, Hyderabad.

...APPELLANT/THIRD PARTY

AND

1. Gecka Kavitha Reddy, D/o Dr Gecka Venkat Reddy, Aged about 37 years, Occ Software Employee, Rep by her father Cum G P A Holder Dr Gecka Venkat Reddy, S/o G Narayan Reddy Aged about 76 years, Occ. Doctor, R/o. 13- 6- 433/20, Netaji Nagar, Gudimalkapur Hyderabad- 500008.

...RESPONDENT/WRIT PETITIONER

2. The State of Telangana, Rep. by its Principal Secretary, Power and Energy Department, Secretariat, Hyderabad,

3. Southern Power Distribution Company Limited, of Telangana State, rep. by its Chairman and Managing Director, Office at Mint Compound, Hyderabad.

4. Southern Power Distribution Company Limited of Telangana State, Rep. by its Superintending Engineer, O/o ADE/Operation/ Rajendranagar, 33/11KV Rajendranaga Sub- Station Premises, Near Pillar No. 232, Main Road, Upperpally, Hyderabad.

5. Southern Power Distribution Company Limited of Telangana State, Rep. by its Assistant Engineer- Operations- Narsingi, Narsingi, Gandipet Mandal, Ranga Reddy District

...RESPONDENTS/RESPONDENTS

IA NO: 4 OF 2024

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 grant interim suspension of the order dated 07-03-2024 passed by the learned single judge in I.A.No.2 of 2024 in W.P.No.856 of 2024, with respect to payment of costs, pending Writ Appeal in the interest of justice.

Counsel for the Appellant: SRI ASHOK REDDY KANATHALA, REP. FOR SRI YEMIREDDY RAJASHEKAR REDDY

Counsel for the Respondent No.1: M/s. CH.VENGAMAMBA, REP. FOR M/s. CHINTALAPUDI LAKSHMI KUMARI

Counsel for the Respondent No.2: GP FOR ENERGY

Counsel for the Respondent No.3 to 5: M/s. NIKITA GOENKA, REP. FOR SRI R.VINOD REDDY, SC FOR TSSPDCL

The Court delivered the following: JUDGMENT

THE HON'BLE THE CHIEF JUSTICE ALOK ARADHE

AND

THE HON'BLE SHRI JUSTICE ANIL KUMAR JUKANTI

WRIT APPEAL No.443 of 2024

JUDGMENT: *(Per the Hon'ble the Chief Justice Alok Aradhe)*

Mr. Ashok Reddy Kanathala, learned counsel representing Mr. Yemireddy Rajashekar Reddy, learned counsel for the appellant.

Ms. Ch.Vengamamba, learned counsel representing Ms. Chintalapudi Lakshmi Kumari, learned counsel for respondent No.1.

Ms. Nikita Goenka, learned counsel representing Mr. R.Vinod Reddy, learned Standing Counsel for Southern Power Distribution Company Limited of Telangana State (hereinafter referred to as 'TSSPDCL') for respondent Nos.3 to 5.

2. This intra court appeal has been filed against order dated 07.03.2024 passed by the learned Single Judge in I.A.No.2 of 2024 in W.P.No.856 of 2024.

3. Learned counsel for the parties jointly submit that the controversy involved in the instant writ appeal is squarely covered by the common judgment dated 08.04.2024 passed by this Court in Writ Appeal Nos.252, 253, 256 and 257 of 2024. It is further pointed out by Mr. Ashok Reddy Kanathala, learned counsel for the appellant that Special Leave Petitions to Appeal (C) Nos.11536-11537 of 2024 filed against the aforesaid common judgment dated 08.04.2024 have been withdrawn by the petitioner in the aforesaid Special Leave Petitions, who is respondent No.1 in W.A.Nos.256 and 257 of 2024, on 22.05.2024. A copy of the aforesaid order passed by the Supreme Court is placed on record.

4. In view of aforesaid submissions, the following directions are issued:

The application submitted by a person seeking electricity connection has to be decided on the touchstone of criteria laid down in Clause 5 of General Terms & Conditions of Supply by TSSPDCL. The impugned order passed by the learned Single Judge is therefore set aside. TSSPDCL is

directed to process the application submitted by respondent No.1 in accordance with the criteria prescribed under Clause 5 of General Terms and Conditions of Supply. Needless to state that the appellant shall also be heard by TSSPDCL besides the application submitted by respondent No.1 for grant of electricity connection. It is made clear that this Court has not expressed any opinion on merits of the claims of the rival parties as the same has to be examined by TSSPDCL. The application preferred by respondent No.1 shall be decided by TSSPDCL by a speaking order within a period of two (2) months from today.

5. Accordingly, the Writ Appeal is disposed of.

Miscellaneous applications, if any pending, shall stand closed. There shall be no order as to costs.

SD/-I. NAGALAKSHMI
DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

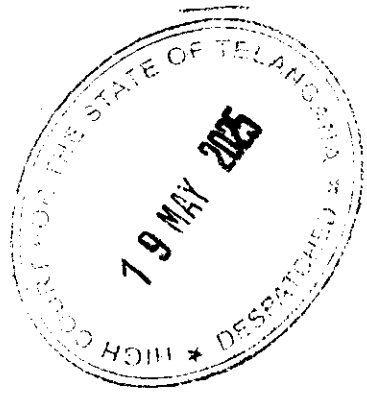
1. The Principal Secretary, Power and Energy Department, Secretariat, Hyderabad, State of Telangana.
2. The Chairman and Managing Director, Southern Power Distribution Company Limited, of Telangana State, Office at Mint Compound, Hyderabad.
3. The Superintending Engineer, Southern Power Distribution Company Limited of Telangana State, O/o ADE/Operation/ Rajendranagar, 33/11KV Rajendranaga Sub- Station Premises, Near Pillar No. 232, Main Road, Upperpally, Hyderabad.
4. The Assistant Engineer- Operations- Narsingi, Southern Power Distribution Company Limited of Telangana State, Narsingi, Gandipet Mandal, Ranga Reddy District
5. One CC to SRI YEMIREDDY RAJASHEKAR REDDY, Advocate [OPUC]

6. One CC to M/s. CHINTALAPUDI LAKSHMI KUMARI, Advocate [OPUC]
7. One CC to SRI R.VINOD REDDY, SC FOR TSSPDCL [OPUC]
8. Two CCs to GP FOR ENERGY, High Court for the State of Telangana at Hyderabad [OUT]
9. Two CD Copies

BSR
GJP

HIGH COURT

DATED: 06/06/2024



JUDGMENT

WA.No.443 of 2024

DISPOSING OF THE WRIT APPEAL, WITHOUT COSTS

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S.B
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