

HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

I.A. NO. OF 2025

IN

W.A. NO. OF 2025

Between:

M/s. Dilpreet Tubes Pvt Limited,
Rep. by its Authorized Signatory,
Regd Office & Factory # Plot No.8,
I.D.A. Nacharam, Hyderabad – 500075.

...Petitioner/Appellant

AND

1. State of Telangana,
rep. by its Principal Secretary,
Power Department, Secretariat, Hyderabad.
2. Southern Power Distribution Company of T.G. Ltd.,
Rep by its Chairman and Managing Director,
Vidyuth Soudha, Somajiguda,
Hyderabad.
3. Superintending Engineer-Operations,
Habsiguda Circle, TSSPDCL,
Uppal, Hyderabad.
4. Asst. Divisional Engineer,
Operations, Habsiguda Circle, TSSPDCL,
Habsiguda, Uppal, Hyderabad.

...Respondents/Respondents

AFFIDAVIT

I, Anand Mehta, S/o. Suresh Mehta, Aged 42 Years, Occ: Business, R/o.
Flat No.1402 on 14th Floor, Block No.B, Aparna One situated at Plot
No.96 in Sy. No.335, Shaikpet Village, Hyderabad, Telangana State do
hereby solemnly and sincerely affirm and state as follows:

Anand Mehta



1. I am the petitioner herein and as such I am well acquainted with the facts of the case.

2. I submit that the Petitioner / Appellant herein is filing the present Writ Appeal questioning the orders passed in W.P. No.22181 of 2024 dated 23-07-2025 as the same are totally erroneous and without considering the material on record and liable to be set aside.

3. It is submitted that originally M/s. Delhi Tubes Pvt Limited was the owner of the property i.e. all that shed on Plot No. P8 in Survey No.49 and 50 with land admeasuring Ac.4-00 gts situated at IDA, Nacharam Village and Mandal, Kapra Municipality, R.R. District with a shed area admeasuring 67500 Sft. It is submitted that the said Delhi Tubes Pvt Limited had become indebted to several financial institutions i.e. APSFC, IIBC, APIDC and United Bank of India and ultimately the said financial institutions were given Pari passu charge on the property. They seized the assets of the said company on 20-11-1996 and put the property for sale by advertising in newspaper in September, 2001 and conducting sale in February 2002 by way of Tender / Public auction.

4. It is submitted that the Petitioner has bid for the property for Rs.253.10 lakhs to purchase the assets and the same is approved by the Managing Director of the Financial Institutions in meeting held on 16-03-2002 and thereafter sale letters were issued in favour of the

Anand K. M. Ta.



Petitioner. It is submitted that in pursuance of the same the Petitioner paid the amount of Rs.253.10 lakhs towards sale consideration and got the sale deed document no.9910 of 2002 dated 02-11-2002 in its favour from the said Financial Institutions. It is submitted that as per Clause 2 of the said sale deed the vendors are not liable to pay any of the statutory dues whatever except property tax due till the date of the sale deed.

5. I submit that the power connection of the said Delhi Tubes Pvt Limited was disconnected much earlier to the sale in favour of the Petitioner in 1996 itself. It is submitted that the said connection HT service HG168 was disconnected on 30-11-1996 for non-payment of CC charges and a notice was served for payment of Rs.5,54,706/-on the said company. However, no payment was made and subsequently the property was auctioned as mentioned above. It is submitted that 5 years later the Petitioner had purchased the property and applied and obtained a new service connection bearing no. HBG1021. Ever since the Petitioner has been paying power bills regularly and without any default.

6. While so, it is submitted that the Respondent No.2 & 3 have issued a notice in letter no.Lr.No.SE/OP/HBG/SAQ/AAO-HT/JAO/SAI/D.No. 1278/20 dated 02-02-2021 to the Petitioner demanding for payment of the arrears and the Petitioner issued a reply

Anand Khatri



dated 01-03-2021 denying liability. Thereafter there was no response / action from the Respondents. However, suddenly the impugned notice is issued on 26-06-2024 proposing to disconnect the power connection if the amount is not paid and ultimately the same is disconnected on 30-07-2024.

7. I submit that the earlier connection in favour of Delhi Tubes Pvt Limited was disconnected in the year 1996 and after the auction sale in favour of the Petitioner when the Petitioner had applied for a new connection the Respondents 2 and 3 have issued a new connection in favour of the Petitioner company without raising any objection regarding the earlier arrears to be paid by M/s. Delhi Tubes Pvt Limited and also without informing the Petitioner about the dues of the said company. It is further submitted that at that point of time the amount due is only Rs.5,54,706/- and had there been any intimation to the Petitioner at that point of time itself the Petitioner might have paid the same depending on the legal position as on that date if the said amount is actually payable by the Petitioner who is the auction purchaser.

8. It is further submitted that as on the date of disconnection or even purchase of the property by the Petitioner in auction there was no requirement of paying of arrears by the auction purchaser while obtaining a new connection. I further submit that the amounts which are due from M/s. Delhi Tubes Pvt Limited are of the year 1996 and a

Arundhati



fresh connection in favour of the Petitioner is of the year 2002 and the notice issued by the Respondent Corporation for payment of arrears and surcharge at the first instance is on 02-02-2021 which was suitably replied by the Petitioner on 01-03-2021 and the impugned notice is of 22-06-2024. Thus, there is a delay of at least 18 Years in issuing a notice for payment of the arrears. Thus the demand for surcharge at least is illegal in view of the fact that the Petitioner never had any notice about the amounts which were due by the earlier owner.

9. I further submit that the demand being made by the Department now is hopelessly barred by time and there cannot be any collection of the alleged arrears after a gap of 22 Years. It is further submitted that the Hon'ble Apex court in the matter of Assistant Engineer (D1) , Ajmer Vidyut Vitran Nigam Ltd and another vs Rahamatullah Khan Alias Rahamjulla CIVIL APPEAL NO 1672 of 2020 held that arrears of power cannot be recovered beyond 2 years and further held there cannot be any disconnection of supply for non-payment of arrears. It is further submitted that the amounts due are of the year 1996 and the purchase by the Petitioner is in the year 2002 and fresh connection is also issued in 2002 itself without any demand for the earlier arrears and as such the demand cannot be made against the Petitioner after a gap of about 22 Years. I further submit that the impugned notice / demand is issued by the Department only on the basis of the judgment rendered by the

Anand Khata



of the Respondents 2 and 3 in disconnecting service connection is also equally illegal and liable to be set aside.

11. With the above averments the Petitioner has filed W.P. No. 22181 of 2024 in this Hon'ble Court. Initially this Hon'ble Court has granted interim stay dated 14-08-2024 directing restoration of the power supply in favour of the Petitioner on a condition that the Petitioner deposits the Principal amount i.e. Rs.5,54,706/- within one week from the date of the order. It is submitted that the Petitioner has paid the said amount and the power was restored at that time. However, subsequently upon hearing the matter the Learned Single Judge has passed an erroneous order which is now being questioned in the present Writ Appeal.

12. It is submitted that, pursuant to the orders passed by the Learned Single Judge on 23-07-2025 even before a certified copy of the order is made available to the Petitioner, the Respondent has disconnected the power supply of the Petitioner / Appellant which resulted in closure of the unit of the Appellant causing severe loss, hardship and injury to the Appellant. Thus the Petitioner / appellant is now filing this application to restore the power supply pending disposal of the Writ Appeal failing which the Petitioner / Appellant would be put to severe loss and hardship.

13. I submit that the order was passed by the Learned Single Judge on 25-07-2025 and the certified copy of the same is made available on

Anand Khaitan



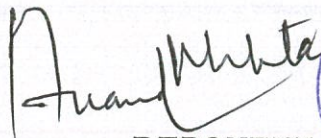
25-08-2025. I submit that the Petitioner / Appellant could not file the Writ Appeal within the time provided under law as the Managing Director of the Company was severely sick and as there was no other person who could effectively take control of the affairs of the company and pursue the matter before this Hon'ble Court. Thus there is a delay of ____ days in filing the Writ Appeal which is neither wilful nor wanton but due to the reasons mentioned above. If the said delay is not condoned the Petitioner / appellant will face severe loss and hardship.

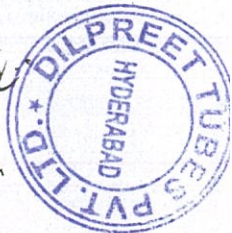
14. The grounds of Writ Appeal may be read as part and parcel of this affidavit.

It is therefore prayed that this Hon'ble Court may be pleased to condone the delay of ____ days in filing the Writ Appeal against the order passed in W.P. No.22181 of 2024 dated 23-07-2025 and pass such other order or orders in the interest of justice.

It is necessary that this Hon'ble Court may be pleased to direct the Respondents 2 to 4 to restore the power supply of the Petitioner bearing Consumer No.HBG1021, Plot No.8, I.D.A. Nacharam, Uppal, Hyderabad pending disposal of the Writ Appeal.

Sworn and signed before me on this the 1st day of October, 2025 at Hyderabad


DEPONENT

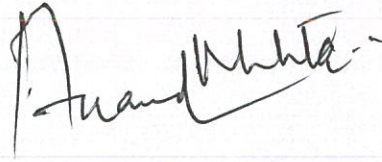


Advocate :: Hyderabad

VERIFICATION

I, Anand Mehta S/o Suresh Mehta, aged about 43 years, Occ: Business, R/o. Flat No.1402 on 14th Floor, Block No.B, Aparna One situated at Plot No.96 in Sy. No.335, Shaikpet Village, Hyderabad, Telangana do hereby verify and state that the facts mentioned above are true and correct to my knowledge and based on the information available on records and believed to be correct.

Hence verified on this the ____ day of October, 2025
at Hyderabad.



/Advocate/

MEMORANDUM OF WRIT APPEAL
FILED UNDER CLAUSE 15 OF LETTER PATENT APPEAL

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT: HYDERABAD

W.A. NO. OF 2025

AGAINST

W.P. NO. 22181 OF 2024

Between:

M/s. Dilpreet Tubes Pvt Limited,
Rep. by its Authorized Signatory,
Regd Office & Factory # Plot No.8,
I.D.A. Nacharam, Hyderabad – 500075.

... Appellant

AND

1. State of Telangana,
rep. by its Principal Secretary,
Power Department, Secretariat, Hyderabad.
2. Southern Power Distribution Company of T.G. Ltd.,
Rep by its Chairman and Managing Director,
Vidyuth Soudha, Somajiguda,
Hyderabad.
3. Superintending Engineer-Operations,
Habsiguda Circle, TSSPDCL,
Uppal, Hyderabad.
4. Asst. Divisional Engineer,
Operations, Habsiguda Circle, TSSPDCL,
Habsiguda, Uppal, Hyderabad.

... Respondents

The address of the Appellant for services is same as mentioned in the above cause title and that of his counsel Sri. PERI PRABHAKAR (6390), PERI VISWAJITH (26352), P.VINOD NAMBIAR (27354), Advocates, H.No.102, Narven'sVaishno Sudhaam, 6-3-1089 & 1089/A, Gulmohar Avenue, Villa Mary College Lane, Lane Opposite to Yes Bank, Raj Bhavan Road, Somajiguda, Hyderabad– 500 0082.

[Handwritten Signature]



Aggrieved by the Orders passed in WP No. 22181 of 2024 dated 23-07-2025 whereby the Writ Petition filed by the Appellant/Petitioner herein was dismissed without considering the material on record, the Appellant is preferring the present Writ Appeal amongst others on the following Grounds:

GROUND

1. The order of the Learned Single Judge is contrary to law and erroneous.
2. The Learned Single Judge has erred in dismissing the WP No. 22181 of 2024 without considering the averments and the material on record and the legal position in the correct perspective.
3. The Learned Single Judge has dismissed the Writ Petition in a casual manner without giving any consideration to the contentions raised by the Petitioner or the legal position.
4. The Ld. Single Judge has erred in dismissing the Writ Petition without considering the fact that the power connection HG168 belonging to the erstwhile owner was disconnected on 30-11-1996 for non-payment of CC charges of Rs.5,54,706/- and the Appellant/Petitioner has purchased the said property in a public auction five years later.
5. The Ld. Single Judge failed to see that the Appellant/Petitioner was given a new connection HBG1021 pursuant to the purchase

Arundhati



of the property in open auction in 2002 without intimating about the earlier arrears and without reference to the earlier arrears and the Appellant/Petitioner was running the Unit on the basis of the new connection for more than 20 years without any notice of the earlier arrears.

6. The Ld. Single Judge failed to see that the lack of demand from the Respondents for clearance of earlier arrears of the erstwhile owner was owing to the legal position settled as on that date and not for any other reason and the Respondent cannot issue the impugned notice on the basis of change in legal position to unsettle settled issues.
7. The Ld. Single Judge has erred in passing the orders without considering the fact that earlier notice was issued by the Respondent for payment of arrears surcharge on 02-02-2021 which was replied to by the Appellant/Petitioner on 01-03-2021 and subsequently the notice was not pursued by the respondents for more than 3 years.
8. The Ld. Single Judge failed to see that the impugned notice dated 22-06-2024 was issued only on the basis of the latest legal position of the Hon'ble Supreme Court in TSSPDCL Vs. SRIGDHA BEVERAGES-2020 Vol.6 SCC 404 dated 01-06-2020 which holds that the electricity dues of earlier owner have to be cleared by the

Arundhati



purchaser. The Learned Single Judge failed to see that this was a case where the subsequent purchaser was applying for a fresh connection but the said connection was denied on the ground that there were previous electricity arrears and as such the said judgement was rendered by the Hon'ble Supreme Court in view of the fact that the new connection was yet to be issued and the sale deed in favour of the purchaser was of recent origin. However, in the present case the disconnection was of the year 1996. The auction was conducted and the Appellant has purchased the property in the year 2001. The new connection was issued in favour of the Appellant in 2002. There was no demand from the Respondents for a period of 20 years and only after the judgment of the Hon'ble Supreme Court they have issued the notice in 2021.

9. The Ld. Single Judge failed to see that the latest legal position is not applicable to the cases which are already settled and the impugned notice and the arrears notices are issued without considering this aspect.
10. The Ld. Single Judge failed to see that in the matter of K.V. MENON Vs. KERALA ELECTRICITY BOARD & OTHERS 2023 (SCC Online) SC 663 has clearly held that the interest / surcharge / penalty accrued on the principal due has to be

Anand Khilja



waived up to the date of notice and in view of this legal position the learned single judge ought to have set aside the demand at least to the extent of interest , penalty and surcharge.

11. The other grounds may be permitted to be urged at the time of hearing.

It is therefore prayed that the Honourable Court may be pleased to set aside the order passed in WP No. 22181 of 2024 dated 23-07-2025 and pass such other order or orders in the interest of justice.

Place; Hyderabad
Date: -10-2025

Counsel for the Appellant

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

APPELLATE SIDE

WA.No. _____ OF 2025

AGAINST

WP. No. 22181 OF 2024

On the file of the Court of _____

M/s Dilpreet Tubes Pvt Ltd

Rep by its Authorized signatory Mr. Anand Mehta

..Appellant/Petitioner

V E R S U S

The State of Telangana rep by its Principal Secretary,
Power Department Secretariat & 3 other's

...Respondents

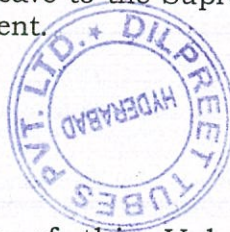
V A K A L A T N A M A

I/We M/s Dilpreet Tubes Pvt Ltd , Rep. by its Authorized signatory
Shri Anand Mehta, S/o Suresh Mehta, Aged: 43 years, Occ: Business,
R/o, Hyderabad. Appellant/Respondent in the above
application do hereby appoint and retain

PERI PRABHAKAR (6390)

ADVOCATE

Advocate/s of the High Court to appear for ME/US in the above APPEAL/PETITION and to conduct and prosecute (or defend) the same and all proceedings that may be taken in respect of any application connected with the same or any decree or order passed therein including all applications for return of documents or the receipt of any money that may be payable to ME/US in the said Appeal/ Petition and also to appear in all applications under Clause XV of the Letters patent and in all applications for review and for leave to the Supreme Court of India and in all applications for review of Judgment.



Anand Mehta

I certify that the contents of this Vakalat were read out and explained in (.....) in my presence to the executant who appeared perfectly to understand the same and made his /her/their signatures or mark in my presence.

Executed before me this ... day of
October 2025 at Hyderabad.

Advocate, Hyderabad

S.R. No.

_____ District

**IN THE HIGH COURT FOR THE
STATE TELANGANA**

AT: HYDERABAD

APPELLATE SIDE

WA. No. _____ of 2025

AGAINST

WP.No. 22181 of 2024

VAKALAT

ACCEPTED

M/S Dilpreet Tubes Pvt Ltd

Rep by Mr. Anand Mehta ..Appellant/
Petitioner

And

The State of Telangana Power dept
& 3 Other's

..Respondents

**PERI PRABHAKAR (6390)
ADVOCATE**

Advocate for Appellant Petitioner

Address for Services:Ph :23210956

102, NARVEN'S VAISHNO
SUDHAM, 6-3-1089 & 1089/A,
GULMOHAR AVENUE, VILLA
MARIE COLLEGE LANE, RAJ
BHAVAN ROAD, SOMAJIGUDA,
HYDERABAD-82, TELANGANA.

9849026415

Email:

periprabhakar@yahoo.co.in
periprabhakar9@gmail.com