



**IN THE HIGH COURT OF ANDHRA
PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**

[3504]

**FRIDAY, THE EIGHTH DAY OF MAY
TWO THOUSAND AND TWENTY SIX
PRESENT**

**THE HONOURABLE SRI JUSTICE MAHESWARA RAO
KUNCHEAM**

WRIT PETITION NO: 11813/2026

Between:

1. DUWURU HARIKRISHNA, S/O. SYAMSUNDAR, AGED ABOUT 38 YEARS, OCC AGRICULTURE , R/O. THALLAPUDI VILLAGE, MUTHUKUR MANDAL, SPSR NELLORE DISTRICT- 524344

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REP BY ITS PRINCIPAL SECRETARY TO GOVERNMENT, ENERGY DEPARTMENT, SECRETARIAT BUILDINGS, AMARAVATI, GUNTUR DISTRICT-522238.
2. THE ANDHRA PRADESH SOUTHERN POWER DISTRIBUTION COMPANY LTD, REP BY ITS CHAIRMAN AND MANAGING DIRECTOR SRINIVASAPURAM TIRUCHANOR ROAD, TIRUPATI ANDHRA PRADESH. - 517 503
3. THE SUPERINTENDING ENGINEER, OPERATIONS, NELLORE CIRCLE, APSPDCL, NELLORE, SPSR NELLORE DISTRICT - 524 001
4. THE EXECUTIVE ENGINEER, OPERATIONS, NELLORE DIVISION, APSPDCL, NELLORE, SPSR NELLORE DISTRICT. - -524 001
5. THE ASSISTANT EXECUTIVE ENGINEER, OPERATIONS, NELLORE SUB- DIVISION, APSPDCL, NELLORE, SPSR NELLORE DISTRICT. -524 001

...RESPONDENT(S):

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 a appropriate Writ Order or direction more particularly one in the nature of writ of Mandamus declaring the action of the respondent Nos 2 to 5 in not sanctioning and provide new electricity service connection in Lower Tension -LT2A2 electricity supply to the petitioner water plant situated in Sy No.34-AI/L.P.No.71,Thallapudi village, Muthukur Mandal SPSR Nellore District in pursuance to the applications made by the petitioners vide application/Reg Registration No. 35412 N883292026APR17 without assigning any reasons as arbitrary illegal unjust violative of the provisions and procedure prescribed under the Electricity Act 2003 the rules made there under apart from being violative of the fundamental rights guaranteed to the petitioner under Articles 14 and 21 of the Constitution of India and consequential direct the respondent No. 2 to 5 sanction and provide the new electricity service connection in Lower Tension- LT2A2 Category to the subject premises forthwith

IA NO: 1 OF 2026

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 Respondent No.2 to 5 to consider the application made by the Petitioner and sanction and provide New electricity service connection to the water plant situated in Sy No.34-AI/L.P.No.71,Thallapudi village, Muthukur Mandal SPSR Nellore District and destruction

Counsel for the Petitioner:

1.B SESIBUSHAN RAO

Counsel for the Respondent(S):

1.VENKATA RAMA RAO KOTA SC FOR APSPDCL
2.GP FOR ENERGY

THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

WRIT PETITION NO: 11813 of 2026

The Court made the following Order:

Instant Writ Petition has been under Article 226 of the Constitution of India with the following prayer:

“... to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondent Nos.2 to 5 in not sanctioning and provide new electricity service connection in Lower Tension -LT2A2 electricity supply to the petitioner water plant situated in Sy No.34-A1/L.P.No.71,Thallapudi village, Muthukur Mandal SPSR Nellore District in pursuance to the applications made by the petitioners vide application/Reg Registration No.35412N883292026APR17 without assigning any reasons as arbitrary illegal unjust violative of the provisions and procedure prescribed under the Electricity Act 2003 the rules made there under apart from being violative of the fundamental rights guaranteed to the petitioner under Articles 14 and 21 of the Constitution of India and consequential direct the respondent No. 2 to 5 sanction and provide the new electricity service connection in Lower Tension- LT2A2 Category to the subject premises forthwith and pass such other order ...”

2. Learned counsel for the petitioner submits that the petitioner is the owner of the plot situated in Sy.No.34-A1/L.P.No.71, Thallapudi Village Muthukur Mandal, SPSR Nellore District.

3. Learned counsel for the petitioner further submits that the petitioner preferred an application seeking Electricity Connection along with indemnity bond as well as requisite undertaking to pay the security payment, as mandated by Section 43 of the Electricity Act, 2003 as well as the General Terms and Conditions of Power Supply.

4. Learned counsel for the petitioner relied upon the dictum of the Hon'ble Apex Court in ***Dilip (Dead) through LR's Vs. Satish & Others***¹. In a nutshell, he submits that inspite of petitioner's application seeking electricity connection with all pre-requisites, the respondent authorities who are duty bound to consider, are not at all passing the orders.

5. Conversely, Sri Venkata Rama Rao Kota, learned Standing Counsel for APSPDCL submits that petitioner's application is pending before the concerned respondent authorities, on the ground that along with application, he produced no-objection certificate dated 15.04.2026 but, subsequently, concerned Gram Panchayat Secretary cancelled the said NOC issued in favour of the petitioner through the subsequent order dated 20.04.2026.

¹ 2022 SCC Online 810

6. Conversely, learned counsel for the petitioner filed a Written Memo dated 08.05.2026, by serving a copy to the other side and submits that against the subsequent cancelation of NOC by the Gram Panchayat, petitioner herein filed WP No.12528 of 2026, before this Court wherein an interim order was passed in favour of the petitioner. At that juncture, learned Standing Counsel for the Corporation submits that the concerned authorities will consider the petitioner's application in terms of Section 43 of the Electricity Act, 2003.

7. Apparently, petitioner's application is pending before the respondent corporation authorities ranging from 17.04.2026 onwards, without redressing the same. At this juncture, it is apt to note the statutory as well as legal aspects. Firstly, Section 43 of Electricity Act, 2003 reads as under:

"Section 43. (Duty to supply on request):

(1) 1[Save as otherwise provided in this Act, every distribution] licensee, shall, on an application by the owner or occupier of any premises, give supply of electricity to such premises, within one month after receipt of the application requiring such supply:

Provided that where such supply requires extension of distribution mains, or commissioning of new sub-stations, the distribution licensee shall supply the electricity to such premises immediately after such extension or commissioning or within such period as may be specified by the Appropriate Commission:

Provided further that in case of a village or hamlet or area wherein no provision for supply of electricity exists, the Appropriate Commission may extend the said period as it may consider necessary for electrification of such village or hamlet or area.

(2) It shall be the duty of every distribution licensee to provide, if required, electric plant or electric line for giving electric supply to the premises specified in sub-section (1) : Provided that no person shall be entitled to demand, or to continue to receive, from a licensee a supply of electricity for any premises having a separate supply unless he has agreed with the licensee to pay to him such price as determined by the Appropriate Commission.

(3) If a distribution licensee fails to supply the electricity within the period specified in sub-section (1), he shall be liable to a penalty which may extend to one thousand rupees for each day of default.”

Secondly, Clause 5.1 of the General Terms and Conditions of Supply of Distribution and Retail Supply of Licenses as molded by the Andhra Pradesh Electricity Regulatory Commission *vide* Proceedings No.Secy/01/2006 dated 06.01.2006. A close perusal of above statutory provision emphasis the verbatim of owner or occupier of any premises. Hence, either owner or occupier, who fulfills the procedural pre-requisites, concerned authorities are duty bound to process the said applications pragmatically. Hence, in the light of the above statutory realm as well as the settled legal principle held in ***Dilip (Dead) through LR's Vs. Satish & Others***, the electricity is a basic amenity.

8. Wayback in ***AP Pollution Control Board II v. Prof. M.V.Nayudu***², the Hon'ble Supreme Court held that the right to access clean drinking water forms an intergral part of Article 21 of the Constitution of India and observed that water is a basic necessity, for survival and protection of public health.

9. Thus, in the light of totality of peculiar facts of the case, respondent Nos.4 and 5 are directed to consider and process the petitioner's application dated 17.04.2026, by considering the object and intendment of Section 43 of the Electricity Act, 2003 as well as the General Terms and Conditions of Power Supply framed by the Andhra Pradesh Electricity Regulatory Commission *vide* Proceedings No.Secy/01/2006 dated 06.01.2006, on or before four (04) weeks, from the date of receipt of copy of this Order and communicate the same to the petitioner through speed post.

10. Accordingly, this Writ Petition is disposed of. No costs.

Interlocutory applications, if any, pending shall stand closed.

JUSTICE MAHESWARA RAO KUNCHEAM

Date: 08.05.2026
PSA

² (2001) 2 SCC 62