



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

[3504]

MONDAY, THE TWENTY SECOND DAY OF JUNE
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

WRIT PETITION NO: 8103/2026

Between:

1.KADAGALA SRINIVAS RAO, S/O LATE APPALA RAMULU, AGED ABOUT 50 YEARS, R/O 1-95, MAIN ROAD, PARAMPETA, SRIKAKULAM, ANDHRA PRADESH - 532122

...PETITIONER

AND

1.THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL SECRETARY ENERGY DEPARTMENT, SECRETARIAT, VELAGAPUDI AMARAVATI, A.P. - 522238.

2.EASTERN POWER DISTRIBUTION COMPANY OF A P LTD APEPDCL, REP. BY ITS CHAIRMAN AND MANAGING DIRECTOR CORPORATE OFFICE, P AND T COLONY, SEETHAMMADHARA, VISAKHAPATNAM DISTRICT, A.P. - 530013.

3.THE SUPERINTENDENT ENGINEER, OPERATION DIVISION, ANDHRA PRADESH EASTERN POWER DISTRIBUTION COMPANY OF ANDHRA PRADESH LIMITED (APEPDCL), VIZIANAGARAM DISTRICT - 535002.

4.THE EXECUTIVE ENGINEER, OPERATION SECTION, ANDHRA PRADESH EASTERN POWER DISTRIBUTION COMPANY OF ANDHRA PRADESH LIMITED (APEPDCL), VIZIANAGARAM RURAL, VIZIANAGARAM DISTRICT - 535002.

5.THE DEPUTY EXECUTIVE ENGINEER, OPERATION SECTION, ANDHRA PRADESH EASTERN POWER DISTRIBUTION COMPANY OF ANDHRA PRADESH LIMITED (APEPDCL), RAJAM, VIZIANAGARAM DISTRICT-532127.

6.THE ASSISTANT ENGINEER, OPERATION SECTION, ANDHRA

PRADESH EASTERN POWER DISTRIBUTION COMPANY OF ANDHRA PRADESH LIMITED (APEPDCL), 33/11 KV SUB-STATION, REGIDI AMADALAVAIASA MANDAL, VIZIANAGARAM DISTRICT - 532122.

...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 writ order or direction more particularly one in the nature of Writ of Mandamus to declare the action of the Respondents, particularly Respondent No.6, in rejecting the Petitioner's application dated 20.09.2025 bearing Registration No. NSCREG03556196 for grant of new electricity service connection without assigning any reasons, despite the Petitioner having complied with all the statutory mandates, as illegal, arbitrary, unreasonable and contrary to the provisions of the Electricity Act, 2003 and the Andhra Pradesh Electricity Regulatory Commission Rules, besides being violative of Articles 14, 19(1)(g) and 21 of the Constitution of India, and consequently direct the Respondents to issue a new electricity service connection to the Petitioner herein

Counsel for the Petitioner:

1. YAMINI SAHU

Counsel for the Respondent(S):

1. GP FOR ENERGY

2. V V SATISH (SC for APEPDCL)

RESERVED ON : 08.05.2026

PRONOUNCED ON : 22.06.2026

UPLOADED ON : 22.06.2026

The Court made the following:

THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM**WRIT PETITION NO: 8103/2026****ORDER:**

The present writ petition under Article 226 of the Constitution of India is filed to declare the action of the respondents, particularly respondent No.6, in permanently rejecting the petitioner's application dated 20.09.2025 bearing Registration No.NSCREG0355196 for grant of new electricity service connection without assigning any reasons, despite the petitioner having complied with all the statutory provisions of the Electricity Act, 2003 and the Andhra Pradesh Electricity Regulatory Commission Rules, besides being violative of Articles 14, 19(1) (g) and 21 of the Constitution of India.

Brief facts of the case:

2. The case of the petitioner is that the petitioner is the owner and possessor of the property bearing D.No.1-95 situated at Main Road, Parampeta Village, Regidi Amadalavalasa Mandal, Vizianagaram District, wherein, he intended to establish small flour mill to earn livelihood and, in furtherance of the same, obtained requisite No-Objection Certificate from Panchayat Secretary, Parampeta Village, Regidi Amadalavalasa Mandal, Vizianagaram District. Subsequently, the petitioner made application bearing Registration

No.NSCREG03556196 dated 20.09.2025 by paying the requisite fee for the grant of Category-II electricity service connection to the 6th respondent Corporation.

3. It is further case of the petitioner that on 10.10.2025, the officials of the 6th respondent, along with the village linemen, had brought the service connection meter to premises of the petitioner for the purpose of affecting the electricity connection, however, the said installation of meter was stopped by the 6th respondent personnel midway due to some local interference. Further, the petitioner has approached the office of the 6th respondent again and again to enquire about the installation, but there was no action taken by the respondent authorities and on the other hand, his application status was shown as "Permanently Rejected" on the online portal without providing any reasons. Thereafter, the petitioner submitted representation dated 20.02.2026 to the respondent Authorities by mentioning all the facts and requested them to furnish the reasons for the permanent rejection of the application dated 20.09.2025 to reconsider the same and grant Category-II service Connection, but no action has been taken by the respondents so far. Thus, challenging the action of the respondents Corporation authorities, the petitioner instituted the instant lis under Article 226 of the Constitution of India before this Court.

4. Heard Ms. Yamini Sahu, learned counsel for the petitioner and Ms. K. Aishwarya Chowdary, learned Junior Standing Counsel representing Sri V.V. Satish, learned Standing Counsel for the respondent Corporation. Perused the material available on record.

Arguments on behalf of the petitioner:

5. Learned counsel for the petitioner contended that the rejection of the application by the respondent Authorities has affected the day to day activities of the petitioner's flour mill, for which, the petitioner is essentially depended on electricity supply and in absence of the same, the petitioner was deprived from carrying out the said occupation, which directly effects on his livelihood thereby leading to violation of Articles 19(1) (g) and 21 of the Constitution of India.

6. Learned counsel vehemently submitted that under Clause 5.1 of the General Terms and Conditions of the Supply (GTCS) r/w. Section 43 of the Electricity Act, 2003 and Andhra Pradesh Electricity Regulatory Commission (Licensees' Standards of Performance) Regulation, 2004 (in short 'APERC'), the distribution licensee is under statutory obligation to provide electricity supply to the owner or occupier of any premises within the time frame stipulated therein., on an application being made in the prescribed manner.

7. She submitted that the petitioner has made requisite application with all the necessary requirements, but despite the same the respondent authorities had failed to perform their statutory obligation.

8. Further, she asserted that as per APERC Consumer Rights Statement governing the procedure for providing new electricity connection, an applicant is entitled to be informed the reasons for any rejection, to be afforded an opportunity of personal hearing, to prefer an appeal and granted an opportunity to rectify any deficiencies at all.

9. Learned counsel also brought to the notice of this Court that in the present case, the respondent authorities had failed to adhere to the said mandate and violated the principles of natural justice as no prior notice nor an opportunity of hearing before rejecting the application of the petitioner, despite having approached the respondent Authorities on several occasions. Therefore, she urged that the rejection of the petitioner's application without assigning any reasons renders the impugned action of the respondent Corporation as non-speaking order.

11. To substantiate her arguments, the learned counsel placed reliance on the judgments of ***Dilip (Dead) through LRs v. Satish & Ors., K.C Ninan v. Kerala State Electricity Board*** and ***Kranti Associates Pvt. Ltd. v. Masood Ahmed Khan.***

Arguments on behalf of the respondent Corporation:

12. On the other hand, the 2nd respondent Corporation has not filed counter affidavit in spite of granting reasonable opportunity. Anyhow, the learned counsel appearing for the respondent Corporation submitted that the petitioner had applied for new service connection *vide* application dated 20.09.2025 bearing Registration No.NSCREG03556196, the 2nd respondent Corporation personnel approached the subject premises of the petitioner and found that there was already an existing electricity connection bearing No.133320N142000140, issued originally on 17.01.2019, in the name of Smt. K. Madhura Meenakshi W/o. Kadagala Srinivas Rao.

13. She further submitted that the said service connection was disconnected due to non-payment of C.C. charges. She further stated that despite several phone calls made to the petitioner, no amount has been paid by him, which resulted in non extension of the electricity connection by the 2nd respondent Corporation authorities.

14. Learned counsel further stated that, if the petitioner pays the requisite amounts, the 2nd respondent Corporation authorities, would provide the electricity service connection to the petitioner, subject to the fulfilment of statutory requirements.

15. At that juncture, learned counsel for the petitioner, with reference to the Addl. Affidavit filed along with material papers in I.A. No.2 of 2026 in W.P. No.2103 of 2026, vehemently contended that the alleged electricity connection bearing No.133320N142000140 stands in the name of Smt.K.Madhura Meenakshi and not in the name of the petitioner. She submitted that on transfer request made by the petitioner's wife Smt.K.Madhura Meenakshi, the 6th respondent Office vide Notice Rc.No.201/2024 dated 12.07.2024 had removed the said connection by giving specific assurance that they would provide electricity service connection, but the 2nd respondent Corporation neither restored nor reinstalled the electricity connection in her favour till today.

16. Learned counsel further contended that the petitioner's wife lastly paid electricity charges on 26.07.2024 and asserted that since there is no electricity connection from 12.07.2024 onwards, the imposition of charges on the disconnected service connection itself is baseless and fictitious. She also raised that the very action of the 2nd respondent Corporation authorities in not providing electricity service connection in spite of the petitioner having fulfilled all the statutory pre-requisites in terms of section 43 of the Electricity Act 2003 is arbitrary. More so, she submitted that the 2nd respondent Corporation authorities, without stating any reasons, simply by displaying the application of the petitioner as

permanently rejected., which is highly illegal and antithetical to the settled legal provisions, apart from gross violation of the principles of natural justice as well as transgression of Articles 19 & 21 of Constitution of India.

17. At last, learned counsel submitted that the 2nd respondent Corporation would consider the petitioner's application as per the Rules in vogue.

Analysis and Conclusion:

18. On the basis of the above pleadings as well as contentious assertions raised by the respective counsels on either side, this Court venture to address the following core point:

- (1) Whether the action of the 2nd respondent Corporation authorities in permanently rejecting the petitioner's application for new electricity service connection is valid or not?

19. In this context, it is relevant to note the significance of electricity in its different forms that would also trace its clues in multiple ways in Vedic period also.

20. In view of the significance and importance attached to the Electricity which is the inextricable and inseparable to the minute to minute work in this generation and added to that, this Court within short span of time with the present Roster of cases, noticed that the citizens

from the remote, isolated and under developed regions are anxiously approaching Courts by invoking its extraordinary powers under Article 226 of the Constitution of the India seeking electricity service connections for their right to eking out livelihood and overall development, which is the central theme of our Indian Constitution.

21. It is apposite to state that electricity is one of the most important necessities in our lives, and it is difficult to imagine a world without it. From lighting rooms, to the computers and other advanced technology, whether it is at homes, schools or workplaces, our daily routines heavily rely upon the electricity. With the increase in digital technology in health care, education, communication and numerous other fields, a stable electricity supply is very essential and due to lack of such facility, the very fundamental rights enunciated in Part III of our Indian Constitution would be greatly affected.

22. In ***Chameli Singh v. State of Uttar Pradesh***¹, the Hon'ble Supreme Court while dealing with the Right to Shelter had observed that right to shelter does not just mean a right to roof but includes right to all infrastructural necessity too, which enables the individuals to live and develop as a human being with adequate living space, safe and decent

¹ (1996) 2 SCC 549

structure, clean and decent surroundings, sufficient light, pure air, water, electricity, sanitation and other civic amenities. The expression in terms of our Apex Court reads as under:-

8. "In any organised society, right to live as a human being is not ensured by meeting only the animal needs of man. It is secured only when he is assured of all facilities to develop himself and is freed from restrictions which inhibit his growth. All human rights are designed to achieve this object. Right to live guaranteed in any civilised society implies the right to food, water, decent environment, education, medical care and shelter. These are basic human rights known to any civilised society. All civil, political, social and cultural rights enshrined in the Universal Declaration of Human Rights and Convention or under the Constitution of India cannot be exercised without these basic human rights. Shelter for a human being, therefore, is not a mere protection of his life and limb. It is home where he has opportunities to grow physically, mentally, intellectually and spiritually. Right to shelter, therefore, includes adequate living space, safe and decent structure, clean and decent surroundings, sufficient light, pure air and water, electricity, sanitation and other civic amenities like roads etc. so as to have easy access to his daily avocation. The right to shelter, therefore, does not mean a mere right to a roof over one's head but right to all the infrastructure necessary to enable them to live and develop as a human being..."

23. Undisputedly, electricity, being a basic necessity, is an integral part of "Right to Life" as enshrined under Article 21 of the Constitution of India. In ***Dilip (Dead) through LRs. v. Satish & Ors.***², the Hon'ble Supreme Court observed that electricity is a basic amenity of which a person cannot be deprived and the electricity supply authority is required

² 2022 SCC OnLine SC 810

to examine whether the applicant for electricity connection is in occupation of the premises in question.

24. The Electricity Act, 2003 was enacted with the object and intendment to consolidate the laws relating to generation, transmission, distribution, trading and use of electricity and also to protect the interest of consumers and supply of electricity to all areas, more particularly, to the rural regions. In fact, the Electricity Act, 2003 marked a paradigm policy shift in power regime connoting specific responsibilities and duties cast upon all the stakeholders in the power sector. In a nutshell, the Electricity Act 2003 is a progressive legislation.

25. It is imperative to note the relevant provisions of the Electricity Act, 2003. Part II, details the National Electricity Policy and Plan, wherein, Section 5 of the Electricity Act, 2003 elaborates the National Policy on electrification and local distribution in the rural areas. Section 6 of the Electricity Act, 2003, came into force on 15.06.2007 and casts a joint responsibility on the State Government and Central Government in rural electrification. In furtherance, the concerned governments together have to take all steps to provide access to electricity to all areas, including hamlets, villages, through development of rural electricity infrastructure measures.

26. Part III of the Electricity Act, 2003 deals with the generation of electricity, such as hydro-electric and captive generation. Part IV of the Electricity Act, 2003 enunciates licensing of the electricity power, transit, supply, etc. Part V of the Electricity Act, 2003 highlights the transmission of electricity inter-state and intra-state, while Part VI of the Electricity Act, 2003 deals with distribution of Electricity Provisions with respect to distribution licensees, wherein, Section 42 of the Electricity Act, 2003 relates to duties of distribution licensee and open access. Section 43 of the Electricity Act, 2003 clearly elucidates the duty to supply on request in respect of the electricity service connection to the required persons. Part VII of the Electricity Act, 2003 relates to Tariff and Part VIII of the Electricity Act, 2003 relates to Works of Licensees. The remaining provisions of the Electricity Act, 2003 provide for the constitution of electricity authorities, appellate forums, dispute resolution mechanism, enforcement procedures and other protective clauses.

27. The Union of India also framed Electricity Rules, 2004 as well as Forum of Regulators Rules, 2005, the Work of Licensees Rules, 2006, and the Appellate Tribunal for Electricity Rules, 2007, so as to give a practical effect to the provisions of the Electricity Act, 2003.

28. In the wake of the above statutory realm, it is apt to note section 43 of the Electricity Act, 2003, which is extracted hereunder:-

“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. 1[Explanation.- For the purposes of this sub-section, “application” means the application complete in all respects in the appropriate form, as required by the distribution licensee, along with documents showing payment of necessary charges and other compliances.]

(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.”

A plain reading of Section 43 of the Electricity Act 2003 clearly reveals that duty rests upon the distribution licensee to supply electricity to the owner or occupier’s premises within one month from the date of receipt of application, subject to fulfilling the pre-requisites. The Section also stipulates penalties and judicial intervention in the event of failure on the part of distribution licensee to comply with its duties.

29. The A.P.R.E.C. being a statutory body constituted under Section 82 of the Electricity Act, 2003 approved the “General Terms and Conditions of Supply of Distribution and Retail Supply Licensee in Andhra Pradesh” (GTCS)., after following the due procedure and considering the General Terms and Conditions of Supply by the Distribution companies in the State of Andhra Pradesh. Clause 5 of the GTCS deals with supply of Electricity. For the sake of comprehensive view, the relevant clause 5 of the GTCS is extracted hereunder:

“5. Supply of Electricity

5.1 Company's Duty to Supply:

The Company shall, on an application by the owner or occupier of any Premises, located in his area of supply, give supply of electricity to such Premises in accordance with Section 43 of the Act and the APERC ('Licensees' duty for supply of electricity on request) Regulation, 2004 (No.3 of 2004) as well as the APERC (Licensees' Standards of Performance) Regulation, 2004 (No.7 of 2004). The applicant must however ensure compliance with the procedure specified in the GTCS.

5.2 Requisition for Supply:

The requisition shall be made by the owner or occupier of the premises for which supply is required. The application form complete in all respects and accompanied by the undertaking and prescribed fees, charges and security, shall be submitted at the office of the Officer specified in the Designated Officers' Notification. The Company shall verify the application and the enclosed documents at the time of receipt of application, and shall issue a written acknowledgement.

.....”

30. The aforesaid clause mandate that requisition for electricity supply preferred by the owner or occupier of the premises by submitting

complete application form along with requisites such as charges and security deposits before the concerned authority upon receiving of said complete application. In turn, the distribution licensee authorities are duty bound to verify the said application along with accompanying documents and issue written acknowledgment to that effect.

31. Coming to further relevant clause i.e., 5.2.6 of GTCS, which is quoted here under:

“5.2.6 A consumer requiring supply for industrial or commercial purposes for new or additional loads shall obtain the necessary licence or permission or no-objection certificate from the local authority or any other competent authority as might be required under the statute.”

The above said clause also stipulates that any consumer seeking electricity supply for industrial and commercial purposes is required to obtain the necessary permission or No Objection Certificate from the concerned local authority or competent authority.

32. It is also apt to mention that A.P.R.E.C., (Regulation No.6 of 2024) which was published in gazette on 28.08.2024 prescribes specific standards to be followed by distribution licensee. Under Item IX of Schedule II of the principal regulation, a mandatory duty is cast upon the concerned distribution licensee to release the new connection after receiving the required charges within the period of 15 days in rural areas. It also provides that in the event of violation of the prescribed

standards, compensation shall be given to the consumer for each day of default. For a holistic perspective, the above stated Regulation portion which came into effect from 28.08.2024 onwards reads as follows:

Sl.No.	Service Area	Time Standard	Compensation payable in case of violation of standard	
			Compensation payable to individual consumer if the event affects a single consumer	Compensation payable to individual consumer if the event affects more than one consumer
IX	Release of new connection/additional load upon payment of all charges			
i	All cases if connection is feasible from existing network for release of supply	<p>Within three days in metropolitan areas,</p> <p>Within seven days in other municipal areas and</p> <p>Within 15 days in rural areas</p> <p>Upon receipt of the complete application (along with prescribed charges)</p>	Rs.100 for each day of the default	Not applicable
ii.	Network expansion / enhancement required to release of supply			
a	Release of supply - Low Tension	With in 30 days of receipt of prescribed charges	Rs.100 for each day of default	
b	Release of supply - High	With in 60 days of receipt of	Rs.100 for each day of default	

	Tension 11 KV	prescribed charges		Not applicable
c	Release of supply - High Tension 33 KV	With in 90 days of receipt of prescribed charges	Rs.500 for each day of default	
d	Release of supply – Extra High Tension	With in 180 days of receipt of prescribed charges	Rs.500 for each day of default	
e	Erection of substation required to release of supply	Where such supply requires commissioning of new substations, the distribution licensee shall supply the electricity to such premises immediately after such commissioning within a period not exceeding 90 days	Rs.1000 for each day of default	

(BY ORDER OF THE COMMISSION)

Place: Kurnool
Date: 27.08.2024

P. KRISHNA,
Commission Secretary (I/c).

33. In the light of above statutory provisions, coupled with relevant Rules and regulatory schemes, it is evident that the one of the laudable objectives of legislative bodies is to provide electricity supply to needy people who applied by fulfilling procedural pre-requisites. Another significant facet is that the above statutory prism also specifies that in the event the licensee fails to supply electricity within a prescribed period, the distribution licensee become liable to pay compensation for each day of delay, as determined by the concerned regulatory authority.

Hence, the provisions of the Electricity Act, 2003, are mandatory in nature. It is also well settled that 'mandatory provision gives no discretion to the concerned authorities, who are bound to follow mandatory provisions without any retractions upon fulfilling the prerequisites.

34. Importantly, the above statutory provisions encompassed in the Electricity Act, 2003 and its rules were also extremely and vividly articulated by the Constitutional Courts, out of which, some of pivotal expressions are discussed here under with a sole object to gain a complete picture.

35. In ***Chandu Khamaru v. Nayan Malik and Ors.***³, the Apex Court clarified that Section 43 of the Electricity Act, 2003 imposes statutory and mandatory obligation on the distribution licensee to supply electricity to any applicant who complies with the prescribed formalities and held that supply cannot be denied on the basis of private disputes, including ownership or third-party objections, as such, issues fall outside the scope of the licensee's authority. It also explains that timely access to electricity is a basic necessity, and any unjustified refusal or delay would be contrary to the object of Section 43 of the Electricity Act, 2003. The relevant portion of the said judgment is extracted hereunder:-

³(2011) 12 SCC 314

“7. ...Sub-section (1) of Section 43 provides that 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. These provisions in the Electricity Act, 2003 make it amply clear that a distribution licensee has a statutory duty to supply electricity to an owner or occupier of any premises located in the area of supply of electricity of the distribution licensee, if such owner or occupier of the premises applies for it, and correspondingly every owner or occupier of any premises has a statutory right to apply for and obtain such electric supply from the distribution licensee.....”

36. In ***Brihanmumbai Electric Supply & Transport Undertaking v. Maharashtra Electricity Regulatory Commission***⁴, the Hon'ble Supreme Court, while interpreting Section 43 of the Electricity Act, 2003, held that the provision imposes universal service obligation on every distribution licensee to supply electricity to any owner or occupier within its area upon application and also emphasized that this duty is statutory and mandatory, reflecting the essential nature of electricity as a public utility. At the same time, Apex Court also clarified that such obligation operates within the framework of the Act, and regulations, allowing the licensee to enforce reasonable conditions such as compliance with technical requirements and payment of charges. Thus, Section 43 of the Act, 2003 ensures a right to access electricity, balanced by regulatory control to maintain efficiency and financial discipline in the power sector. The relevant portion of the said judgment is extracted hereunder:

⁴(2015) 2 SCC 438

26. “.....Here, it excludes local authority, as distributor of electricity from such an obligation. However, when it comes to the duty of distribution licensee to supply the electricity under Section 43, it mandates that same is to be given to the owner or occupier of any premises on his application within one month from the receipt of the said application. This duty under Section 43 imposed upon a distribution licensee does not distinguish between a local authority and other distribution licensee. It is also not a case of the appellant that in a particular area where a local authority is a distribution licensee, there cannot be any other distribution licensee at all.....”

37. In the case of **Dilip** (referred to supra), the Apex Court observed that electricity supply is statutory service arising out of a contractual relationship between the consumer and the electricity authority, and the obligation to pay electricity charges is confined to the person who consumed the electricity. It was held that such dues do not attach to the property itself and therefore cannot be automatically enforced against a subsequent purchaser. However, the authority is entitled to prescribe lawful conditions, including clearance of arrears, for granting fresh electricity connection, to safeguard its revenue.

9. “It is now well settled proposition of law that electricity is a basic amenity of which a person cannot be deprived. Electricity cannot be declined to a tenant on the ground of failure/refusal of the landlord to issue no objection certificate....”

38. In ***K.C. Ninan v. Kerala State Electricity Board***⁵, the three (3) Judge Bench of the Apex Court, held and clarified that the licensee is entitled to insist upon compliance with statutory requirements, including payment of outstanding dues attached to the premises, and adherence to the supply code and emphasized that electricity supply is premises-centric rather than purely consumer-centric. Therefore, new applicant may be required to clear past dues linked to the property before granting fresh connection. Thus, Section 43 creates a right to supply, but one that is regulated by lawful conditions to ensure financial discipline and prevent misuse.

39. In ***Smt. Villuri Sirisha Rani v. State of Andhra Pradesh*** (Writ Petition No. 28943 of 2024, dated: 16.12.2024), this Hon'ble Court, while interpreting Section 43 of the Electricity Act, 2003, held that statutory duty is held upon the electricity distribution licensee to supply electricity to any premises upon an application made by the owner or occupier within the prescribed time and emphasized that this obligation is mandatory in nature, cannot be denied merely on the ground of disputes regarding title or alleged unauthorized construction. Relying on Section 43 of the Electricity Act, 2003, the Court concluded that electricity supply as basic amenity, and the authorities were bound to restore the connection notwithstanding objections from local authorities.

⁵(2023) 14 SCC 431

40. In ***B. Munirathnam v. Andhra Pradesh Southern Power Distribution Company Ltd.*** (Writ Petition No. 7120 of 2024, dated 26.03.2024), the Court addressed the arbitrary delay in granting an electricity connection to the petitioner and held that access to electricity, being a basic necessity, cannot be denied or kept pending without valid justification and the lack of authority to communicate without giving clear reasons or deficiencies in writing was found to be violative of the principles of natural justice and fairness. Further, it is emphasised that administrative authorities are duty-bound to act in transparent, reasoned manner, and any unexplained inaction offends Articles 14 and 21 of the Constitution.

41. Reverting to the case on hand, the petitioner placed Exs.P.3, P.4 & P.5. Ex.P.3 is an application for the supply of electricity bearing registration No.NSCREG03556196 dated 20.09.2025 with relevant fee. Ex.P.4 is No-Objection Certificate dated 20.09.2025 from the concerned Gram Panchayat. Ex.P.5 is House tax receipt depicting the petitioner's name. A cumulative perusal of Ex.P.3 to Ex.P.5 submitted by the petitioner clearly suggests that he has fulfilled all pre-requisite conditions i.e., filling the application with the under taking form, requisite fee and also no objection certificate from the concerned competent civic authority for obtaining new electricity service connection.

42. The case canvassed by the petitioner is that, after completion of the required period from the date of his application, he approached the 6th respondent office and enquired about his application status. Later, on 10.10.2025, the 6th respondent personnel came to the petitioner's premises along with village linemen so as to fix the electricity service connection, but due to local political pressures, the 6th respondent personnel stopped installation of the electricity service meter and went away along with the said meter.

43. The petitioner also projected that in spite of his repeated enquiries with the 2nd respondent Corporation personnel, they have not informed any reasons for not extending the electricity service connection. At last, the petitioner came to know through the online portal maintained by the 2nd respondent Corporation that the application was permanently rejected.

44. Evidently, as stated supra, the 2nd respondent Corporation authorities have not filed any counter affidavit to deny the case asserted by the petitioner. However, the 2nd respondent Corporation authorities' version, as argued by the learned Junior Standing Counsel, is that the respondent Corporation had not disputed the application dated 20.09.2025 (Ex.P.1) preferred by the petitioner for new electricity service connection. She contended that the petitioner's wife service connection

bearing No.133320N42000140 was disconnected and there was an arrears still pending and in spite of the 6th respondent phone calls, to the petitioner, there was no response for payment.

45. Apparently, the 2nd respondent Corporation authorities neither denied nor disputed the rejection of the petitioner's application permanently through online web-portal for electricity supply connection (Ex.P.1). So far as the assertion made by the petitioner regarding local interference that was culminated into non-installation of the meter in the subject premises, the petitioner except self-serving statement made in the affidavit about the local political intervention., has not ventured to array the said political personality as party respondent nor filed any single scrap of paper to substantiate it. Hence, this court is not delving into those superficial aspects.

46. The version of the 2nd respondent Corporation is that the subject premises already has service connection bearing No.133320N42000140, which was disconnected and arrears with regard to the said service connection are pending. It is relevant to note that even according to the version of the 2nd respondent's Corporation, the above service connection bearing No.133320N42000140 stands in the name of Smt.K.Madhura Meenakshi, who is the wife of the petitioner.

47. Whereas, the assertion of the learned counsel for the petitioner that the electricity service connection stands in the name of the petitioner's wife, Smt. K.Madhura Meenakshi, who made request to shift the electricity connection, then the said connection was disconnected and removed by the 6th respondent Authority after issuing the written notice Rc.No.AE 201/2024, dated 12.07.2024. Further, the learned counsel for the petitioner also contended that the 2nd respondent corporation personnel are merely attempting to dispute the case of the petitioner without any clarity.

48. Even assuming for a moment that the case exposed by the 2nd respondent Corporation is true and correct, indisputably, the electricity service connection bearing No.133320N42000140 stands in the name of Smt.K.Madhura Meenakshi, but not in the name of the petitioner and even as per the Notice *vide* Rc.No.AE 201/2024 dated 12.07.2024 (filed along with I.A 2 of 2026), the above service connection was removed by the 6th respondent Authority. In view of specific assertions made by the petitioner that she has paid certain amounts towards the due and by way of official communication dated 12.07.2024, the 2nd respondent Corporation informed the petitioner to clear the arrears, but not to the petitioner's wife. Moreover, the 2nd respondent corporation has also not produced the relevant copy of said bills or any communication

addresses to the concerned. In the absence of above, the assertions of the respondent Corporation remain pale and insignificant.

49. Evidently, the 2nd respondent Corporation did not take such a ground or reason in permanently rejecting the petitioner's new electricity service connection. In this aspect, the law is well settled in the dictum held by the Apex Court in ***K.S Gill Vs. Chief Election Commissioner of India.***⁶

“.....The second equally relevant matter is that when a statutory functionary makes an order based on certain grounds, its validity must be judged by the reasons so mentioned and cannot be supplemented by fresh reasons in the shape of affidavit or otherwise. Otherwise, an order bad in the beginning may, by the time it comes to court on account of a challenge, get validated by additional grounds later brought out.....”

50. That apart, the petitioner, by categorically mentioning his requirement that he has to start flour mill business in his subject property situated at Parampet, Srikakulum District, has applied for electricity connection by paying the pre-requisite charges along with No-Objection Certificate dated 20.09.2025 issued by the concerned Civic Authority. Thereafter, the said application of the petitioner dated 20.09.2025 was rejected permanently by the 2nd respondent Corporation authority on their website portal without assigning any reasons at all.

⁶ 1978 (1) SCC 405

51. Yet another significant aspect involved in the lis is that the petitioner, after knowing the fact that his application dated 20.09.2025 has been permanently rejected through the online web portal, preferred written representation dated 20.02.2026 to the 6th respondent by marking the said copies to the other officials of the 2nd respondent Corporation, so as to know the specific reasons for permanently rejecting his application. In proof of the same, the petitioner placed copy of written representation dated 20.02.2026 (Ex.P-2) along with postal track delivery reports (Ex.P-6), which confirm that the said representation dated 20.02.2026 was delivered to the 2nd respondent Corporation authorities. In other words, the 2nd respondent Corporation authorities, despite receiving the written representation dated 20.02.2026 from the petitioner, has not initiated any remedial measures to rectify their unilateral action either.

52. Even if the petitioner's application was incomplete due to lack of proper enclosures at that juncture also, it is the duty of the 2nd respondent Corporation authorities to give specific reasons for rejection of the petitioner's application. Whereas, the 2nd respondent Corporation simply mentioned in their online portal that the petitioner's application status as "Permanently Rejected", without any reasons at all. Such an action from the 2nd respondent Corporation on the primary ground

without giving specific reasons, is not only illegal, but also clear transgression of principles of natural justice. Moreover, the right to know the reasons for decision which adversely affects person or property., is a basic right of every litigant (whether the forum be judicial or administrative).

53. In this facet, it is apt to note the authoritative Constitution Bench decision held in ***Shri Swamiji of Shri Admar Mutt etc. Vs. The Commissioner, Hindu Religious and Charitable Endowments Dept. and Ors.***⁷. While giving the majority judgment, a reference was made to Broom's Legal Maxims (1939 Edition, page 97), where the principle in Latin reads as follows:

“ **29***Ces-sante Ratione Legis Cessat Ipsa Lex*” in general version “Reason is the soul of the law, and when the reason of any particular law ceases, so does the law itself.”

54. Thus, way back in the year 1980 itself, the Constitutional dictum emphasized the importance of reasons, holding that they are inextricable and inseparable part of any orders passed by the adjudicating Foras.

55. Again, in the case of ***Kranti Associates (P) Ltd. v. Masood Ahmed Khan***⁸, the Hon’ble Supreme Court of India, after scanning the authoritative judicial pronouncements in detail and articulated the

⁷ (1979) 4 SCC 642

⁸ (2010) 9 SCC 496

importance of reasoning by the judicial and quasi-judicial authorities, as under:

“ 47. Summarising the above discussion, this Court holds:

a. In India the judicial trend has always been to record reasons, even in administrative decisions, if such decisions affect anyone prejudicially.

b. A quasi-judicial authority must record reasons in support of its conclusions.

c. Insistence on recording of reasons is meant to serve the wider principle of justice that justice must not only be done it must also appear to be done as well.

d. Recording of reasons also operates as a valid restraint on any possible arbitrary exercise of judicial and quasi-judicial or even administrative power.

e. Reasons reassure that discretion has been exercised by the decision maker on relevant grounds and by disregarding extraneous considerations.

f. Reasons have virtually become as indispensable a component of a decision making process as observing principles of natural justice by judicial, quasi-judicial and even by administrative bodies.

g. Reasons facilitate the process of judicial review by superior Courts.

h. The ongoing judicial trend in all countries committed to rule of law and constitutional governance is in favour of reasoned decisions based on relevant facts. This is virtually the life blood of judicial decision making justifying the principle that reason is the soul of justice. i. Judicial or even quasi-judicial opinions these days can be as different as the judges and authorities who deliver them. All these decisions serve one common purpose which is to demonstrate by reason that the relevant factors have been objectively considered. This is important for sustaining the litigants' faith in the justice delivery system.

j. Insistence on reason is a requirement for both judicial accountability and transparency.

k. If a Judge or a quasi-judicial authority is not candid enough about his/her decision making process, then it is impossible to know whether the person deciding is faithful to the doctrine of precedent or to principles of incrementalism. l. Reasons in support of decisions must be cogent, clear and succinct. A pretence of reasons or 'rubber-stamp reasons' is not to be equated with a valid decision making process.

m. It cannot be doubted that transparency is the sine qua non of restraint on abuse of judicial powers. Transparency in decision making not only makes the judges and decision makers less prone to errors but also makes them subject to broader scrutiny. (See David Shapiro in Defence of Judicial Candor (1987) 100 Harward Law Review 731-737).

n. Since the requirement to record reasons emanates from the broad doctrine of fairness in decision making, the said requirement is now virtually a component of human rights and was considered part of Strasbourg Jurisprudence. See (1994) 19 EHRR 553, at 562 para 29 and Anya vs. University of Oxford, 2001 EWCA Civ. 405, wherein the Court referred to Article 6 of European Convention of Human Rights which requires, "adequate and intelligent reasons must be given for judicial decisions".

o. In all common law jurisdictions judgments play a vital role in setting up precedents for the future. Therefore, for development of law, requirement of giving reasons for the decision is of the essence and is virtually a part of "Due Process."

56. Given the above statutory realm in vogue, coupled with the authoritative pronouncements of the Apex Court as well as this Court, it is crystal clear that the right to electricity is an integral and inextricable part of Article 21 of the Constitution of India, and if there is any violation of the same, it affects the fundamental rights enunciated in Part III of the Constitution of India. In view of the significance & importance attached to electricity as detailed above, right from the Vedic period till the present

contemptuous generation i.e., Gen-Z and Alpha., the usage of electricity in multiple dimensions basic fundamental thing for minute to minute work.

57. For the foregoing discussion and conclusion arrived at, this Court is of the view that the 2nd respondent Corporation authorities are required to follow the mandatory provisions of the Electricity Act, 2003 & various Rules framed in terms of the above consolidated enactment that would uplift the constitutional objects. Therefore, the writ petition is disposed of, in the following terms:

- i. The action of the 2nd respondent Corporation in permanently rejecting the petitioner's application dated 20.09.2025 for grant of new electricity service connection bearing registration No.NSCREG03556196., is set aside.
- ii. The 2nd respondent Corporation authorities, are hereby directed to process the petitioner's application dated 20.09.2025 bearing registration No.NSCREG03556196., afresh, on collection of charges, if any, by following the true letter and spirit of Section 43 of the Electricity Act, 2003 and relevant Rules thereon, within a period of two (2) weeks, from the date of receipt of copy of this Order.
- iii. In view of the significance attached to electricity in the day-to-day lives of people as discussed (supra), this Court also deems it appropriate to direct the 1st respondent to initiate all comprehensive and effective measures to implement the statutory provisions, without any retraction. Hence, the 1st respondent is hereby directed to instruct all the distribution licensees in the State of Andhra Pradesh to submit their respective comprehensive reports for every three (03) months., with particulars such as date of applications for electricity service connection, processing time and final result of the said application. Based on that, the 1st respondent shall, in turn, conduct review of the said reports and issue

appropriate directions/guidelines to the distribution licensees in order to fulfil the constitutional goals as well as the statutory provisions of the Electricity Act, 2003 & relevant Rules thereon., subject to the ground realities and requirements.

58. Accordingly, the writ petition is disposed of. There shall be no order as to costs. As a sequel, all pending applications shall stand closed.

JUSTICE MAHESWARA RAO KUNCHEAM

Date: 22.06.2026
GVK

L.R to be marked
B/o.
GVK

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THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

WRIT PETITION No: 8103 of 2026

Date: 22.06.2026

GVK