IN THE HIGH COURT FOR THE STATE OF TELANGANA

AT HYDERABAD

W P. No. 13665 of 2021

Between:

ATC Telecom Infrastructure Private Limited  
IV Floor Gowra Plaza Door No 18304307/381/444 SP Road Begumpet Secunderabad Telangana 500003 Rep by its Circle Head Legal

… Petitioner

AND

1. Telangana State Southern Power Distribution Company Limited, Represented by its Superintendent Engineer, Banjarahills Division, Hyderabad, Telangana.

2. The Divisional Engineer (Operations), Telangana State Southern Power Distribution Company Limited, Kundanbagh, Hyderabad.

3. The Assistant Divisional Engineer (Operations), Telangana State Southern Power Distribution Company Limited, Sanath Nagar, Hyderabad.

4. Greater Hyderabad Municipal Corporation, Rep. by its Commissioner, Tank Bund Road, Hyderabad, Telangana

…Respondents

COUNTER AFFIDAVIT FILED BY RESPONDENTS 1-3

I K. Vijay Kumkar, S/o. Late Kishan Rao, Age:49years, Occ : Assistant Divisional Engineer (Operations), Telangana State Southern Power Distribution Company Limited, Sanath Nagar, Hyderabad, do here by solemnly affirm and state on oath as follows:

I am working as Assistant Divisional Engineer (Operations), Telangana State Southern Power Distribution Company Limited, Sanath Nagar, Hyderabad and well acquainted with the facts of the case and I am authorized to Swear this affidavit on behalf of Respondents 1 & 2.

1. It is submitted that the writ petition is filed to declare the action of the Respondents in straightaway disconnecting the power supply to the telecommunication infrastructure tower erected on the terrace of building bearing H.No.8-4-54415916, Plot No.7 and 8, Sy.No. 133, Natraj Nagar, Enagadda, Hyderabad, without issuing any notice whatsoever and without following the due process of law, as arbitrary, illegal, unconstitutional and in violation of principles of natural justice.

2. It is submitted that the Petitioner has wrongly alleged that the Respondents have disconnected the power supply on 08-05-2021. The service connection has been sanctioned but whenever the officials respondent company visit the place to erect the meter and power supply the neighbouring house owners are physically preventing them and infact throwing stones at them and creating Law and order problem. The petitioner inspite of being informed of the same is not cooperating by providing police protection and not accompany the Respondents officials to the site.

3. It is submitted that on stating the above facts before this Hon’ble Court, by order dated 21-06-2021 the Petitioner was directed to provide police protection and fix a suitable date for restoration of power supply.

4. It is submitted that the officials of Respondents have been contacting the Petitioners officials over telephone and requested them to comply with the orders of the Hon’ble court by providing the Police Protection. As the petitioner failed to respond the assist engineer served a letter dated 03-07-2021 on the petitioner to arrange for police protection and communicate the date and time to restore the power supply but till today the petitioners officials have not responded. The Respondents are ready to provide the power supply and erect the meter and the delay is only on the part of the Petitioner.

5. It is submitted that all the allegations made by the petitioner that are not specifically dealt with herein are denied and the petitioner is put to strict proof of the same.

It is therefore prayed that this Honorable Court may pleased be to dismiss the writ petition with costs in the interest of Justice.

Sworn and signed before me DEPONENT

On this day of July, 2021

At Hyderabad Advocate: Hyderabad

VERIFICATION

I K. Vijay Kumkar, S/o. Late Kishan Rao, Age:49years, Occ : Assistant Divisional Engineer (Operations), Telangana State Southern Power Distribution Company Limited, Sanath Nagar, Hyderabad, do hereby verify and declare that the facts stated in the above paragraphs of the affidavit are true to my personal knowledge, belief, information and also legal advise from my counsel.

Hence verified on this the day of July 2021 at Hyderabad.

DEPONENT

Counsel for the Respondent 1-3