

HON'BLE SRI JUSTICE R.KANTHA RAO

WRIT PETITION No.3514 of 2015

ORDER:

This writ petition is filed assailing the action of the respondents in raising a demand for Rs.1,42,43,977/- under the revised bills issued for the months of December, 2012 to November, 2014.

2. The main issue raised by the petitioner in this writ petition is as to whether the respondents are justified in denying compensation to the petitioner underdrawal of electricity while availing Open Access for Inter State transmission of power. There appears to be conflict between the Regulations framed and notified by the Central Electricity Regulatory Commission, New Delhi on 25.01.2008 and Regulation No.2 of 2005 framed by the Andhra Pradesh Electricity regulatory Commission. Therefore, which of the Regulations govern the petitioner arises for consideration in the writ petition.

3. At the hearing, it has come out that besides the above issue, there are serious issues relating to billing. One of the grievances of the petitioner is that it was not supplied with the details supporting the demand and that though it has addressed letter dated 02.02.2015 to the 3rd respondent raising several aspects, the latter has not responded to the said letter and the respondents have been insisting on payment of the amount on the threat of disconnection.

4. Having regard to the submissions made by the learned counsel for the petitioner, the 3rd respondent is directed to furnish the MRI data and 15 Minutes block wise data and all other details, pertaining to the power received by the petitioner through Open Access System for the period for which the impugned demand for Rs.1,42,43,977/- is made within two weeks from the date of receipt of a copy of this order. Within three weeks thereafter, the petitioner shall submit its objections to the demand. On receipt of the objections, the

3rd respondent shall personally hear the representative of the petitioner, consider the objections that may be raised by the petitioner and pass a detailed order and communicate the same to the petitioner. Till this exercise is completed, power supply to the petitioner's service connection shall not be disconnected for non-payment of the amount under the impugned demand.

5. The writ petition is accordingly disposed of. No order as to costs. Pending miscellaneous petitions, if any, in this writ petition shall stand dismissed in consequence.

R. KANTHA RAO, J

Date: 18.02.2014
BSS

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