THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.16367 of 2015

ORDER:

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondents.

The petitioner-Company is involved in steel manufacturing business and it applied for HT I Category connection with a contracted demand of 9999 KVA drawing power through a 33 KV dedicated feeder with HT No.RRS 1247. At the instance of respondent Nos.2 to 5, DISCOMs of the A.P.Electricity Regulatory Commission have issued Restriction & Control measurers under various orders from 07.09.2012 effective from 12.09.2012 to 31.07.2013, thereby the DISCOMs were directed to restrict the power supply. But the 3rd respondent charged the C.C. charges in violation of the said orders of the Commission. Challenging the said C.C. charges, the petitioner approached the Consumer Grievances Redressal Forum–2, vide C.G.No.1245 of 2014, which allowed the case of the petitioner partly. Challenging the said order of rejection of a part of the grievance of the petitioner, the petitioner approached the 1st respondent by filing Appeal No.154 of 2013, who disposed of the appeal preferred by the petitioner on 27.10.2014 with a detailed order. Ultimately, the said order reads as follows:

"Therefore it is hereby ordered that:

a. The respondents shall rework the bills of the appellants and not levy demand charges on the appellants for the 12 day period when they were not availing power. In other words, the DISCOM cannot charge demand charges for the meager 10% demand that was allowed to the appellants during the power holiday period, as doing so contravenes the direction of the Hon'ble Commission.

b. The appellants' contention about demand charges at penal rate for the months of September, 2012 and October, 2012 is nagatived as the charges levied by the DISCOM are found to be in accordance with the directives of the Hon'ble Commission.

c. The respondents will have to rework the off-peak penal consumption charges for the month of November, 2012 duly taking 00.00 hrs as the starting period for computing the entitlements and penalties and not 06.00 hrs as was done by them. If this results in revision of bills for the subsequent periods, it shall be carried out accordingly.

d. The respondents are not correct in charging delayed payment charges at the rate of 1.5% on the total bill amount for the month, even when the delay is less than a month. in other words, the delayed payment charges have to be levied only on the actual number of days delay that is there in payment of electricity bills.

e. The R&C penalties that are reworked because of this judgment will also impact the 50% waiver of R&C penalties that is already done by the respondents. The 50% waiver shall accordingly be adjusted to take into account the reworked R&C penalties that is now ordered."

When the said order is not implemented in spite of several representations by the petitioner including the representation dated 09.11.2014, the present writ petition is filed.

This Court adjourned the matter from 10.06.2015 thrice, and in spite of the same, the respondents did not choose to give necessary instructions to the learned Standing Counsel.

In the circumstances, respondent Nos.2 to 5 are directed to implement the order of respondent No.1 in Appeal No.154 of 2013 dated 27.10.2014 and pass necessary orders after reworking the bills. The entire exercise shall be completed within a period of 30 days from the date of receipt of a copy of this order.

With the above directions, this writ petition is disposed of. There shall be no order as to costs. As a sequel, miscellaneous petitions, if any pending in this writ petition, shall stand closed.

A.RAMALINGESWARA RAO, J

Date: 07.07.2015

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