

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.30530 of 2011

Date:20.8.2015

Between:

M/s Margaret Package Pvt Ltd.,
Hyderabad, repled., by its Manager-
B.Kumaramma.

..... **Petitioner**

And:

The Central Power Distribution Company
of A.P. Ltd., Hyderabad, repled., by its
Chairman and Managing Director
and three others.

.....**Respondents**

Counsel for the Petitioner: Mr. P.Roy Reddy

Counsel for the Respondents: Mr. R.Vinod Reddy
Standing Counsel

The Court made the following:

ORDER:

At the interlocutory stage, the Writ Petition is taken up for hearing and disposal with the consent of learned counsel for both parties.

The respondents have released power supply to the petitioner under H.T. Category-I. The petitioner feels aggrieved by the action of the respondents in unilaterally changing the category from H.T-I (Industrial) to HT-II (Commercial).

The main ground on which this action of the respondents is assailed by the petitioner is that before such conversion, no notice was issued to it, as envisaged

under Condition No.3.4.1 of the General Terms and Conditions of Supply.

No counter-affidavit is filed by the respondents.

Condition No.3.4.1 of the General Terms and Conditions of Supply reads as under:

“When a consumer has been classified under a particular category and is billed accordingly and it is subsequently found that the classification is not correct (subject to the condition that the consumer does not alter the category/purpose of usage of premises without prior intimation to the Designated Officer of the Company), the consumer will be informed through a notice, of the proposed reclassification, duly giving him an opportunity to file any objection within a period of 15 days. The Company after due consideration of the consumer’s reply, if any, may after the classification and suitably revise the bills if necessary even with retrospective effect, of 3 months in the case of domestic and agricultural categories and 6 months in the case of other categories.”

As the respondents have not disputed the plea of the petitioner that they have not complied with the procedure prescribed under the above reproduced condition, their action in re-classifying the petitioner’s Service Connection cannot be sustained.

The respondents are, therefore, directed to continue the petitioner’s Service Connection under H.T.Category-I (Industrial). However, the respondents are left free to initiate fresh action strictly following the procedure envisaged under Condition No.3.4.1 of the General Terms and Conditions of Supply.

Subject to the liberty given to the respondents as above, the Writ Petition is allowed.

As a sequel to disposal of the Writ Petition,

WPMP.No.37850 of 2011 is disposed of as infructuous.

*JUSTICE C.V.NAGARJUNA
REDDY*

*20th August 2015
DR*