

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

Writ Petition No.19578 of 2011

Dated 19th June, 2015

Between:

Sri Gayathri Rice Mill

...Petitioner

And

The A.P.Eastern Power Distribution Co., Ltd., rep.by its Chairman & Managing Director, APEPDCL, Corporate Office, Postal Colony, Visakhapatnam (PO) and others

...Respondents

Counsel for the petitioner: Sri P.Narasimha Rao

Counsel for respondent Nos.1 & 2: Sri P.Anand Seshu

Counsel for respondent No.3: Sri Srinivasa Rao P.

The Court made the following:

ORDER:

This writ petition is filed for the following substantive relief:

“...to issue an appropriate Order, Writ or Direction more particularly one in the nature of Writ of Mandamus under Article 226 of Constitution of India by declaring that the impugned revised fuel surcharge adjustment order issued by the 3rd respondent in his proceedings No.APERC/Secy/Jt Dir (Tariff-Engg) No.08, dated 05.06.2010, the 2nd respondent getting the amount of Rs.4,60,448.50 ps included in the current bill for the month of June 2011 and collecting the same from the petitioner as illegal, arbitrary, ultra vires the powers of the 3rd respondent and thus to set aside the same.”

At the hearing, it is agreed between the learned counsel for both the parties that W.P.No.33201 of 2014, wherein identical issues have been raised, was disposed of by this Court by order, dated 20.11.2014, by holding that the petitioners therein shall approach the Apex Court

for clarification of the interim order, dated 23.06.2014, in SLP(C).Nos.15356-15358 of 2014.

Following the said order, this writ petition is also disposed of in terms thereof.

As a sequel to disposal of the writ petition, W.P.M.P.No.23682 of 2011 and W.V.M.P.No.3334 of 2011 shall stand disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

19th June, 2015
VGB