

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No. 38642 of 2012

ORDER:

Heard learned counsel for the petitioner and learned standing counsel for the respondents.

2. This writ petition was filed challenging the action of the respondents in levying penal charges under R & C Measures in the bill dated 30.11.2012.

3. The respondents filed a counter stating that subsequent to the filing of the writ petition, the APERC issued modified orders in 2012 and 2013, as per which, they have reduced the penalty amount as follows:

“The petitioner has been served a revised and final bill for November 2012 with penalty amount during peak period reduced from Rs.32,80,645/- to 5,46,774/- and penalty amount during off peak period reduced from Rs.10,68,387/- to Rs.8,90,323/- (i.e., total penalty amount reduced from Rs.10,68,387/- to Rs.14,37,097/-) vide this office letter SE/O/VJA/SAO/JAO-HT/R2/A3/D.No.195/13, dated 20.02.2013 as per the revised instructions received from Corporate Office vide Memo No.CGM/Opn/TPT/RAC/F.R&C/D.No.1/13 dated 02.01.2013 and Memo No.CGM(Fin)/GM@/SAO/AAO/JAO/HT/F.R&C/D.No.89/13 dated 04.02.2013.”

4. It is submitted by the learned counsel for the petitioner that pursuant to the order of this Court dated 14.12.2012, they have paid 1/3rd of the penalty amount and the respondents have to recalculate the liability taking into consideration the 1/3rd of the penalty amount already paid and, if necessary, they have to refund/adjust the excess amount paid, pursuant to the bill of November, 2012.

5. In the circumstances, the Writ Petition is disposed of, without going into the merits of the case, directing the respondents to recalculate the liability of the petitioner for the month of November, 2012 taking into consideration the subsequent

developments and decisions of the APERC and also the amount paid by the petitioner pursuant to the order of this Court dated 14.12.2012 and pass a reasoned order within 30 days from the date of receipt of a copy of the order.

6. The Writ Petition is accordingly disposed of. Miscellaneous petitions, if any, pending in the writ petition shall stand closed. There shall be no order as to costs.

(A.RAMALINGESWARA RAO, J)

9th June, 2015

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