

HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

W.P.No.977 of 2015

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ORDER:

Heard the learned counsel for the petitioner and Sri O.Manohar Reddy, learned Standing counsel for the respondents.

The petitioner is a small scale industry and obtained electricity connection for a rented premises bearing No.RRN-1490 situated at Plot No.90/H/A in Phase-V, I.D.A., Jeedimetla, Hyderabad. The issue relating to FSA charges, which were levied by the respondent Corporation on various consumers including the petitioner, is the subject matter of various writ petitions and writ appeals and presently the same is pending before the Hon'ble Supreme Court and it is not in controversy that the said issue is subjudice and there is a stay with regard to payment of FSA charges. While so, the petitioner shifted its unit to its own premises at Plot Nos.7C and 7D, Phase-V, I.D.A., Jeedimetla and obtained fresh service connection bearing RRN-2639 and consequently, the earlier service connection in respect of the rented premises was terminated. Thereafter, the petitioner made a representation before the 2nd respondent on 25-09-2014 requesting to transfer arrears of its old service connection to new service connection and also gave an undertaking that it would abide by the directions of the Court with regard to payment of FSA charges. Under the impugned proceedings, the request of the petitioner was not acceded to and it was directed to pay arrears relating to terminated service connection. Questioning the same, the present writ petition is filed.

It is evident that the dispute regarding FSA is subjudice before the Hon'ble Supreme Court and the demand and recovery of FSA charges is stayed. In view of that, the FSA charges cannot be recovered from the petitioner and even apart from that, since the petitioner has already given an undertaking that it would abide by the

directions of the Court with regard to payment of FSA charges, there appears to be no reason as to why the arrears of the old terminated service connection are not transferred to its new service connection, when the petitioner itself has given letter of consent with regard to payment of FSA charges.

Learned Standing counsel for the respondents fairly states that if the petitioner gives an undertaking that it would discharge the arrears regarding old service connection by tagging it to the present new service connection, the request of the petitioner can be considered.

In view of that, the writ petition is disposed of with the following directions:-

The petitioner shall file an undertaking before the respondent authorities that it would discharge the liability of the previous service connection and that the said liability shall form part of the liability of the present new service connection, which shall be discharged by the petitioner, subject to orders that would be passed in the matter, which is subjudice referred to above. Subject to such undertaking, the respondent authorities are directed to consider the request of the petitioner in accordance with law.

No order as to costs.

The miscellaneous petitions, if any, pending in this writ petition shall stand closed.

VILAS V.AFZULPURKAR, J

Date: 28-01-2015

Prv

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