

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

Writ Petition No.40333 of 2012

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Dated 04th June, 2015

Between:

M/s.Sree Peral Industries

...Petitioner

And

Asst.Engineer (Operation), Pedagantyada, EPDCL, Gajuwaka, Visakhapatnam and others

...Respondents

Counsel for the petitioner: Sri S.Appadhara Reddy

Counsel for the respondents: Sri P.Anand Seshu

The Court made the following:

ORDER:

This writ petition is filed for a mandamus to set aside letter bearing No.AAO/ERO/GWK/JAO-Billing/D.No.1529, dated 17.11.2012, of respondent No.2, wherein he has demanded a sum of Rs.8,15,982/- towards wrong MF billed for the period from April, 2010 to October, 2012.

The main ground on which the petitioner has questioned the validity of the

impugned demand is that under Section 56(2) of the Electricity Act, 2003 (for short 'the Act'), the claim of respondent No.2 is barred by limitation.

This Court in W.P.No.15070 of 2011 disposed of today considered the scope and effect of Section 56(2) of the Act and held that all charges irrespective of their description connected with supply of electricity fall within the said provision and that unless the amounts continuously shown as arrears, the licensee cannot recover the arrears after the expiry of two years from the date on which the amount first fell due.

The writ petition is partly allowed by declaring that the arrears demanded from April, 2010 to 16.11.2010 are barred by limitation. The petitioner is liable to pay arrears from 17.11.2010. Respondent No.2 is directed to re-work out the liability of the petitioner and make a fresh demand. It is represented that the petitioner has already deposited 50% of the demanded amount. If the said amount satisfies the petitioner's liability, no further amount shall be demanded. If there is a shortfall, respondent No.2 is permitted to make a demand to that extent. Within one month of such demand, the petitioner shall pay the shortfall amount. If the petitioner has paid excess amount, the same shall be refunded by way of adjustment in future bills.

As a sequel to disposal of the writ petition, W.P.M.P.No.51168 of 2012 and W.V.M.P.No.397 of 2013 shall stand disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

04th June, 2015

VGB