

The Hon'ble Sri Justice C.V.Nagarjuna Reddy

Writ Petition No.8183 of 2012

Dated 09.09.2015

Between:

M/s.Sarika Industries
Kattedan, rep. by its Proprietor
Nathulal Gupta

... Petitioner

and

-
The Central Power Distribution Company
of A.P. Ltd., Hyderabad, rep. by its
Chairman & Managing Director and 4 others.

...Respondents

Counsel for the petitioner: Mr.Putta Krishna Reddy

**Counsel for the respondents: Mr.R.Vinod Reddy, SC for TS
Transco**

The Court made the following:

Order:

This Writ Petition is filed for a Mandamus to declare the action of the respondents, in billing the petitioner under LT Category II (A) instead of LT Industrial Category III (A), as illegal, arbitrary and contrary to Regulation 8 of the Andhra Pradesh Electricity Regulatory Commission (Consumers'

Right to Information) Regulations, 2000 (for short 'the Regulations').

I have heard Mr.P.Krishna Reddy, learned Counsel for the petitioner. None appeared for the respondents at the hearing, though a counter-affidavit is filed by them.

The petitioner is an LT Consumer of the respondents. Its service connection was released under LT Industrial Category III (A) in the year 2008. The grievance of the petitioner is that it has received a bill on 04-12-2011 wherein the electricity consumption was calculated by treating its service connection under LT Category II (A). The petitioner averred that under Regulation 8 of the Regulations, it is entitled to a notice before the category of its service connection is changed and that no such notice was issued to it by the respondents.

On behalf of the respondents, the Assistant Accounts Officer, Gaganpahad, has filed a counter-affidavit wherein he has admitted that the service connection to the petitioner's unit was released under LT Category III (A); that the petitioner's

service connection was inspected on 02-11-2011 at 14.30 hours; that it was observed from the inspection that the petitioner was utilizing the power for printing on polythene bags; that therefore, a notice was issued to it on 16-11-2011 by back billing from 01.04.2011 and that as the amount was not paid, the same was included in the billing month of December, 2011.

Except the *ipsi dixit* of the deponent of the counter-affidavit, no proof is produced by him in support of his plea that a prior notice was issued to the petitioner. It is not in dispute that Regulation 8 of the Regulations envisages a prior notice to the consumer before the category is changed. As this procedure is evidently not followed by the respondents, the change of Category of the petitioner's service connection from LT Category III (A) to LT Category II (A) cannot be sustained and the same is, accordingly, set aside. The respondents shall revise the bills by treating the petitioner's service connection as falling under LT Category III (A). However, the respondents are not precluded from initiating the proceedings for change of Category by following the procedure

under Regulation 8 of the Regulations.

Subject to the above direction and observations, the Writ Petition is allowed.

As a sequel, WVMP.No.645 of 2013 in/& WPMP.No.10368 of 2012 are disposed of as infructuous.

(C.V.Nagarjuna Reddy, J)

Dt: 9th September, 2015
LUR