

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.6555 of 2011

Date:20.8.2015

Between:

M/s Sri Venkata Lakshmi Rice & Oil
Mill, Narsannapet Village & Mandal,
Srikakulam District, repled by its
Proprietor-Sri T.Venkat Rao

..... Petitioner

And:

The Assistant Divisional Engineer,
(Operations), Eastern Power Distribution Company
of A.P., Narsannapet and another.

.....Respondents

Counsel for the Petitioner: Mr. P.Balaji Varma

For Mr. Kamatham Govardhan

Reddy

Counsel for the Respondents: Mr. T.V.Suman

For Mr. M.Ravindra

Standing Counsel for APEPDCL

The Court made the following:

ORDER:

This Writ Petition is filed for a *Mandamus* to set aside proceedings in Lr.No.ADE/OSD/NPT/F.No./D.No.1987/ 09, dated 20.12.2009 and the consequential disconnection letter No.ADE/O/NPT/FNo.08/09-10, D.No.156/11, dated 09.02.2011, of respondent No.1.

Mr. P.Balaji Varma, learned counsel representing
Mr. Kamatham Govardhan Reddy, learned counsel
for the petitioner, submitted that under the impugned
notice, respondent No.1 has arrived at the conclusion that

the petitioner has exceeded the contracted load based on meter reading, instead of relying upon the equipment that was actually connected by the petitioner. He has further submitted that identical notices were challenged in a batch of Writ Petitions, one such Writ Petition being W.P.No.9861 of 2010 and that this Court by order, dated 13.6.2012, set aside the said notice and directed physical verification to note the manufacturers' ratings of each item of apparatus and issue a fresh notice. He has further submitted that the said order was confirmed in a batch of Writ Appeals, viz., Writ Appeal No.949 of 2012 and batch, by a Division Bench of this Court by common judgment, dated 01.7.2013, with a slight modification to the effect that instead of physical verification, the respondents shall issue fresh notices based on the actual connected load, receive the objections, if any, from the consumers and pass a speaking order. Learned counsel, therefore, requested that this Writ Petition may also be disposed of in terms of the common judgment, dated 01.7.2013, in Writ Appeal No.949 of 2012 and batch.

I have carefully considered these submissions of the learned counsel and perused the order, dated 13.6.2012, in Writ Petition No.9861 of 2010 passed by the learned single Judge of this Court and the common judgment, dated 01.7.2013, in Writ Appeal No.949 of 2012 and batch and I am convinced that the issue raised in this Writ Petition is identical to that adjudicated in the above judgments.

Mr. T.V.Suman, learned counsel representing
Mr. M.Ravindra, the learned Standing Counsel
for the respondents, has not disputed this position.

In the light of the above facts, this Writ Petition is disposed of in terms of common judgment, dated

01.7.2013, in Writ Appeal No.949 of 2012 and batch, with the direction that the reasons and directions contained therein shall form part of this order.

As a sequel to disposal of the Writ Petition, WPMP.No.8160 of 2011 and WVMP.No.2754 of 2011 are disposed of as infructuous.

*JUSTICE C.V.NAGARJUNA
REDDY*

*20th August 2015
DR*