

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

WRIT PETITION NO.13681 OF 2012

DATED:16-7-2015

Between:

M/s. Rama Krishna Stones Crushers
Rep. by its leaseholder
Yalamati Rama Mohan
Gowripatnam Village
Devarapalli Mandal
West Godavari District

... Petitioner

And

Eastern Power Distribution Company of A.P.
Limited,
Rep. by its Chairman and Managing Director
Visakhapatnam
and others

... Respondents

... Respondents

COUNSEL FOR THE PETITIONER: Mrs. Anula, for Mr. Mangena
Sree Rama Rao

COUNSEL FOR THE RESPONDENTS: Mr. M. Ravindra, Standing
Counsel

for EPDCAPL

THE COURT MADE THE FOLLOWING:

ORDER:

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This writ petition is filed for a mandamus to set aside Letter No.AAO/ERO/NDD/JAO./UDC/D.No.944/11, dt.27.7.2011, of respondent No.3, whereby he has demanded a sum of Rs.83,947/- towards low power factor surcharge in respect of service connection No.1347 of Devarapalli Village, pertaining to the petitioner.

A perusal of the impugned proceedings shows that no prior notice was issued to the petitioner calling upon it to show cause as to why the said amount cannot be recovered. In my opinion, before levying any additional charges, such as low power factor surcharge, principles of natural justice warrant issue of a notice and an opportunity of submitting an explanation/objection against the proposed levy. As the respondents have not followed this procedure, the impugned proceedings are set aside. Liberty is given to the respondents to issue a notice and pass a fresh order after considering the explanation/objections, if any, raised by the petitioner. As the petitioner has already deposited 50% of the demanded amount under interim order dt.9.5.2012, the respondents shall not disconnect the power supply for non-payment of the balance amount towards low power factor surcharge.

The writ petition is accordingly allowed to the extent indicated above.

As a sequel to disposal of the writ petition, W.P.M.P. No.17192 of 2012 shall stand disposed of as infructuous.

C.V. NAGARJUNA REDDY, J

16-7-2015

bnr