

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

Writ Petition No.35354 of 2012

Dated 19th June, 2015

Between:

M/s.Sri Seetha Rama Raw & Boiled Rice Mill and others

...Petitioners

And

The Government of A.P., rep by its Principal Secretary to Government,
Energy Department, AP Secretariat, Saifabad, Hyderabad and others

...Respondents

Counsel for the petitioners: Sri P.Narasimha Rao

Counsel for respondent No.1: GP for Energy

Counsel for respondent No.2: Sri Srinivasa Rao P.

Counsel for respondent Nos.3 to 5: Sri P.Anand Seshu

The Court made the following:

ORDER:

This writ petition is filed for the following substantive relief:

“...to issue an appropriate Order, Writ or Direction more particularly one in the nature of Writ of Mandamus under Article 226 of Constitution of India by declaring the action of the 2nd and 4th respondents by issuing (1) proceedings No.APERC/Secy/13/2012-13 dt.07.09.2012 and (2)Lr.No.SE/RJY/DE/T/ADE/T/AE/T/F18/D No.1583/others/2012, dt.10.09.2012, wherein restrictions are imposed for usage of electricity beyond 60% of CMD, peak hours and 12 days of declared power holidays and by imposing heavy penal charges by including the same in the current bills for the month of 10/2012 as illegal, unjust, arbitrary, discriminatory, suffers from lack of jurisdiction, violative of Articles 14, 19 and 21 of Constitution of India, contrary to the provisions of the Electricity Act, 2003 and the General Terms and Conditions of Supply, in breach of terms of the HT agreement, thus to set aside the same in the interest of justice.”

At the hearing, Sri P.Anand Seshu, learned Standing Counsel appearing for respondent Nos.3 to 5, submitted that though the petitioners have paid the penalties imposed on them for exceeding their quotas, following a general order passed by the A.P.Electricity Regulatory Commission (for short 'the Regulatory Commission') reducing penalties to 50% on all the consumers in the State, the respondents have refunded 50% of the penalties paid by the petitioners.

The learned counsel for the petitioners has not disputed this position.

The fact that the petitioners have exceeded the quotas is not in dispute. Though the petitioners are liable to pay the entire liability, in view of the intervention by the Regulatory Commission, they had the benefit of refund of 50% of the penalties imposed on and paid by them. In these facts and circumstances of the case, I am of the opinion that the petitioners do not deserve any relief in this writ petition.

The writ petition is accordingly dismissed.

As a sequel to dismissal of the writ petition, W.P.M.P.No.44923 of 2012 shall stand disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

19th June, 2015
VGB