

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

WRIT PETITION NO.40527 OF 2012

DATED:11-6-2015

Between:

M/s. Maa Mahamaya Industries Limited
Rep. by its General Manager, Finance,
Sri Ch.Suryanarayana,
Laxmipuram Village
Pingadi Road
Visakhapatnam

... Petitioner

And

Eastern Power Distribution Company of
Andhra Pradesh Limited
Rep. by its Managing Director, Sai Shakti
Opp. Saraswathi Park, Daba Gardens
Visakhapatnam
and others

... Respondents

COUNSEL FOR THE PETITIONER: Mr. S.V.S. Ravi Kiran

COUNSEL FOR THE RESPONDENTS: Mr. P. Anand Sheshu, Standing
Counsel

THE COURT MADE THE FOLLOWING:

ORDER:

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This writ petition is filed for the following substantive relief:

“... to issue any writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the proceedings Lr. No.SE/O/VZN/SAO/JAO/HT/D.No.381/12, dated 22.10.2012, Lr. No.SE/O/VZM/SAO/JAO/HT/D. No.417, dated 23.11.2012 of the 3rd respondent in imposing R&C penal charges and the proceedings vide Lr. No.SE/O/VZM/SAO/JAO/HT/D. No.463/12 dated 27.12.2012 of the 2nd respondent upholding the levy of R&C penal charges on the petitioner company are arbitrary, illegal, void, violative of Article 14 of Constitution of India and consequently set aside the same.”

At the hearing, Mr. P. Anand Seshu, learned Standing Counsel for the Eastern Power Distribution Company of Andhra Pradesh Limited, submitted that though the petitioner has paid the penalty imposed on it for exceeding its quota, 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 penalty paid by the petitioner.

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

The fact that the petitioner has exceeded the quota is not in dispute. Though the petitioner is liable to pay the entire liability, in view of the intervention by the Regulatory Commission, it had the benefit of refund of 50% of the penalty imposed on and paid by it. In these facts and circumstances of the case, I am of the opinion that the petitioner does 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.51386 of 2012 shall stand disposed of as infructuous.

C.V. NAGARJUNA REDDY, J

11-6-2015

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