

HONOURABLE SRI JUSTICE A. RAMALINGESWARA RAO

WRIT PETITION Nos. 33416, 33428 AND 33465 OF 2015

DATED 9TH OCTOBER, 2015

BETWEEN

V.Swamy Reddy

...Petitioner in WP.No.33416 of 2015

M.Madan Mohan Reddy

....Petitioner in WP.No. 33428 of 2015

V.Jagan Mohan Reddy

...Petitioner in WP.No. 33465 of 2015

And

The State of Telangana,
Rep. by its Principal Secretary,
Energy Department, Telangana Secretaria,
Hyderabad and ors.

.....Respondents in all WPs.

HONOURABLE SRI JUSTICE A. RAMALINGESWARA RAO

WRIT PETITION Nos. 33416, 33428 AND 33465 OF 2015

COMMON ORDER::

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All these Writ Petitions are being disposed of by this common order in view of the consent expressed by the learned Counsel for the petitioners as well as learned Standing Counsel for the respondents.

The petitioners are the agriculturists and engaged in organic farming. They are residents of Raikunta Village Shamshabad Mandal, Ranga Reddy District. They are consumers of electricity and in order to supplement power supply by the respondents, they also installed generators and they have been paying power consumption charges regularly for the contracted load being supplied by the respondents. While so, it is alleged that all of a sudden, the respondents demanded huge amounts as if the petitioners are in due of outstanding power consumption charges. Challenging the demand made by the respondents, the petitioners earlier filed Writ Petition No.25904 of 2009 and the said Writ Petition is pending consideration. Despite the pendency of the said Writ Petition, when the present demand is made, the present Writ Petitions are filed.

It is agreed to by the learned Counsel appearing on either side for passing the following order.

Since the present demand alleged to have been issued under Rule 4(1) of APSE Board (Recovery of dues) Rules 1985 is a notice issued without issuing any prior show cause notice, the impugned notice shall be treated as show cause notice and the petitioners are given liberty to submit their respective explanations to the third respondent within a period of fifteen days from the date of receipt of a copy of this order and the third respondent is directed to pass final order after receipt of the explanations from the petitioners within a period of fifteen days

thereafter. As it is alleged that the impugned demand notices do not contain details of arrears, the third respondent shall furnish information with regard to the nature of arrears to the petitioners within three days from the date of receipt of a copy of this order in order to enable the petitioners to submit their explanations. It is made clear that till the passing of orders by the third respondent, no coercive steps shall be taken against the petitioners.

Subject to the above, the Writ Petitions are disposed of at the admission stage.

Miscellaneous petitions pending consideration if any in the Writ Petitions shall stand closed in consequence. No order as to costs.

JUSTICE A. RAMALINGESWARA RAO

DATED 9TH OCTOBER, 2015.

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