

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH**

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WRIT PETITION No.23777 OF 2015

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Between:

M/s.Subash Rubber Core Unit.

.. Petitioner

And

The Southern Power Distribution Company of Telangana Limited rep. by its
Chairman and Managing Director, Mint Compound, Hyderabad, and others.

.. Respondents

DATE OF JUDGMENT PRONOUNCED: 31-07-2015

SUBMITTED FOR APPROVAL:

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

1. Whether Reporters of Local newspapers Yes/No
may be allowed to see the Judgment?

2. Whether the copies of judgment may be Yes/No

marked to Law Reporters/Journals

3. Whether Their Lordship wish to

see the fair copy of the Judgment? Yes/No

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

WRIT PETITION No.23777 of 2015

ORDER:

Heard the learned counsel for the petitioner and Sri R.Vinod Reddy, learned Standing Counsel for the respondents. The Writ Petition is being disposed of at the stage of admission with the consent of parties.

The petitioner is a small scale industrial unit at Bada Mailaram, Mulugu Mandal, Medak District. It has L.T.Service connection bearing No.460. The petitioner was initially supplied power on 04.06.2009. However, an inspection took place in the first week of December, 2010 and it was followed by another inspection on 03.01.2011. Pursuant to the said inspection, the second respondent issued a notice on 04.03.2011 stating that the meter was found to be defective and it was not recording properly in "B" Phase due to defective CTPT (Current Transformer and Potential Transformer) equipment. Back-billing was done for the period from 04.09.2009 to 05.01.2011 and assessed the loss of energy at Rs.8,47,954/-. After receipt of the said notice, the petitioner made a representation dated 12.03.2011 requesting the second respondent to send the meter for testing to NAL Laboratory, Bangalore. The petitioner raised a meter dispute before the Electricity Consumers Grievances Redressal Forum under Section 42 of the Electricity Reforms Act. The said petition was dismissed by the forum. Challenging the same, the petitioner preferred an appeal to the Vidyut Ombudsman who also dismissed the appeal by order dated 09.12.2011. The petitioner filed W.P.No.3296 of 2012 and, this Court, by order dated 16.02.2012, set aside the order of the fifth respondent and Vidyut

Ombudsman and remitted the matter to the fifth respondent for fresh consideration. Review WPMP.No.26087 of 2012 filed by the respondents was also dismissed on 06.11.2013. Fifth respondent passed an order on 21.05.2015. Challenging the same, the present Writ Petition is filed.

Learned counsel for the petitioner submits that no opportunity was given to the petitioner to put forward his case and even a copy of the order was not served on it but a perusal of the impugned order shows that the forum has conducted three hearings on 22.12.2014, 12.01.2015 and 29.01.2015.

The petitioner sent a request seeking adjournment on 29.01.2015. A reading of the order itself shows that the petitioner did not avail the opportunity given to them. When this was pointed out, learned counsel for the petitioner sought time for filing appeal against the order of the fifth respondent dated 21.05.2015 on the ground that a copy of the order was not served and the respondents are taking steps for disconnection of power supply.

In the circumstances, the Writ Petition is disposed of giving liberty to the petitioner to file an appeal against the order of the fifth respondent dated 21.05.2015 within a period of thirty days from the date of receipt of a copy of this order. Learned counsel for the petitioner submits that power supply was disconnected to the petitioner – Unit. The respondents are directed to restore the power supply for a period of one month, pending filing of appeal by petitioner.

Miscellaneous petitions, if any, pending in this writ petition shall stand disposed of. No order as to costs.

A. RAMALINGESWARA RAO,J

Date:31.07.2015

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