

HON'BLE SRI JUSTICE R. KANTHA RAO

Writ Petition No.7020 of 2015

ORDER:

Heard the learned counsel appearing for the petitioners and Sri O. Manohar Reddy, learned standing counsel for the respondents.

2. This writ petition is filed seeking Writ of *Mandamus* declaring the action of respondents 2 to 5 in levying the bill three times to its original bill in connection with the Service Consumer Nos.1569-12082 to 1569-12087 and 1569-12096 to the premises belonging to the 1st petitioner and Service Consumer Nos.1569-12088 to 1569-12094 to the premises belonging to the 2nd petitioner, without any authority or power, as arbitrary and illegal.

3. According to the petitioners, they are the absolute owners of the Plot bearing Nos.27 and 28 Part of demolished H.No.11-14-51 & Old No.10-27, in Sy.No.9/1 situated at Srinagar Colony, Saroor Nagar Village & Mandal, L.B. Nagar Circle, Ranga Reddy District. After obtaining necessary permissions from the GHMC, the petitioners have constructed building i.e., G+1 and they have been paying the tax. They have applied for service connection to their premises to the 2nd respondent and after verification, the 2nd respondent issued service connections to the petitioners' premises by directing the petitioners to deposit certain amounts towards service, development and initial consumption deposit and accordingly, the petitioners paid the said amounts and the respondents assigned the service consumer numbers to the premises and they are regularly paying the consumption charges. While so, the respondent-authorities have been issuing electricity bills by assessing three times of consumption charges more than the actual tariff fixed by the Andhra Pradesh Electricity Regulatory Commission on the ground of non-production of occupancy certificate. Hence, the writ petition.

4. The grievance of the petitioners is that as per Section 62 of the Electricity Act, 2003, the Commission shall determine and fix tariff and the respondents have to collect the charges as per tariff, but they cannot charge more than the prescribed tariff. In similar set of facts and circumstances, learned Single Judge of this Court in WP No.32906 of 2014, held as under:

“In this view of the matter, demand and collection of electricity consumption charges at three times the normal charges from the petitioner cannot be sustained and the same is declared as illegal. The respondents are directed to adjust the excess tariff, if any, collected so far, from the petitioner’s future C.C. bills. Before closing this case, this court feels it imperative to observe that the petitioner cannot violate law and insist on the power distribution licensee to continue to supply power to it without obtaining Occupancy Certificate, which, admittedly, is a mandatory requirement under Section 455 of the Greater Hyderabad Municipal Corporation Act, 1955. The respondents are, therefore, left free to call upon the petitioner to produce the Occupancy Certificate in accordance with the said provision within a stipulated time. If the petitioner fails to produce such certificate, they shall be free to disconnect the power supply to him and terminate the power supply agreement. The respondents are also left free to refuse release of power supply to other similarly situated consumers if they failed to produce Occupancy Certificates within a stipulated time.”

5. As the issue involved in this writ petition is identical and squarely covered by the foresaid judgment of this court, this writ petition is also disposed of in terms thereof. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition, shall stand closed.

R. KANTHA RAO, J

Date: 18.03.2015

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HON’BLE SRI JUSTICE R. KANTHA RAO

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