

THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.18372 of 2014

ORDER:

Heard Sri Krishna Murthy Devarakonda, counsel for petitioner and Sri R.Vinod Reddy, standing counsel for respondents.

The petitioner challenges Lr.No.SE/OP/NLG/SAO/HT/D.No.217/14, dated 30-05-2014 as illegal and against principles of natural justice.

The complaint of petitioner is that respondents while reassessing the consumption charges payable by petitioner did not furnish copy of meter relay testing report to enable petitioner to file effective representation before respondents.

The respondents filed counter and referred to issuing of inspection report but not meter relay testing report.

Having regard to conspicuous absence of any reply on this aspect of the matter in the counter affidavit, standing counsel appearing for respondents with a view to afford an opportunity to petitioner, submits that the impugned communication can be set aside, remit the matter to 3rd respondent for fresh consideration and disposal afresh by affording personal hearing and also giving a copy of meter relay testing report to petitioner.

The statement is accepted. I am satisfied the writ petition can be disposed of by this order.

(a) The impugned letter No. Lr.No.SE/OP/NLG/SAO/HT/D.No.217/14, dated 30-05-2014, is set aside and the matter is remanded to 3rd respondent for fresh disposal in accordance with law.

(b) 3rd respondent is directed to furnish copy of meter relay testing report/other relevant and connected

materials on which the Department intends to rely upon and afford an opportunity of being heard to petitioner.

(c) The said exercise is directed to be completed within three months from the date of receipt of a copy of this order.

(d) If petitioner does not co-operate with the enquiry, 3rd respondent is given liberty to record reasons and proceed ex-parte.

(e) It is needless to observe that the amount already deposited by petitioner is required to be adjusted subject to the outcome of the above enquiry.

Miscellaneous petitions pending, if any, shall stand closed. No order as to costs.

S.V.BHATT, J

Date: 12-04-2016
Prv

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Dated 12-04-2016

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Prv