

THE HON'BLE SRI JUSTICE S. V. BHATT

WRIT PETITION No.37265 of 2016

ORDER:

Heard Sri S.V.S.Sivaram for petitioner and Sri R.Vinod Reddy for respondents.

Petitioner challenges the levy of differential Voltage Surcharge and penal charges in C.C.Bill June, 2016 as illegal and contrary to Tariff Order, 2016-17.

On 19-07-2016, the petitioner submitted representation on the very attraction of differential Voltage Surcharge as well as penal charges in C.C.Bill June, 2016 explaining various circumstances that the very levy and demand of differential Voltage Surcharge is untenable in the fact situation of the case. Admittedly, the representation filed by the petitioner is not considered or examined by the respondents.

The respondents filed counter affidavit explaining the reasons for issuing the subject demand.

This Court is of the view that the C.C.Bill includes differential Voltage Surcharge for the month of June, 2016. The petitioner being the consumer desires that respondents consider the details given by it in the representation dated 19-07-2016, apply the tariff condition and determine the issue.

In my view, if a decision on the representation is taken by the respondents, then the findings can be considered by an authority as well as this Court.

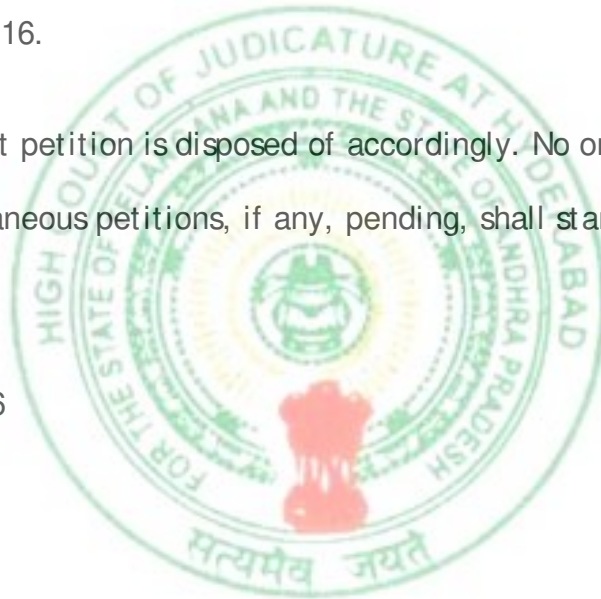
Since the representation is still pending, I am satisfied the writ petition can be disposed of by this order.

(a) The respondents are directed to examine the representation dated 19-07-2016, if necessary afford opportunity of hearing to petitioner and communicate its decision, within six weeks from the date of receipt of a copy of this order.

(b) Till a decision is taken and communicated, the respondents are directed not to insist upon payment of differential surcharge and penal charges covered in C.C.Bill June 2016.

The writ petition is disposed of accordingly. No order as to costs. Miscellaneous petitions, if any, pending, shall stand closed.

Dt: 15-11-2016
Prv



S. V. BHATT, J

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