THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

WRIT PETITION No.24223 OF 2016

ORDER:

This Writ Petition is filed under Article 226 of the Constitution of India seeking a Writ of Mandamus declaring the order dated 23.04.2016 passed by the fourth respondent in dismissing Appeal No.29 of 2015 filed by the petitioner, as arbitrary, illegal besides being violative of petitioner's rights guaranteed under Articles 14 and 19(1)(g) of the Constitution of India and consequently set aside the same.

Heard the learned counsel for the petitioner and Smt. Jagarlamudi Koteswarai Devi, the learned Standing Counsel for A.P.S.P.D.C.L.

At the time of argument, learned counsel for both parties with one voice submitted that the Vidyut Ombudsman is the competent person to decide the issue involved in this writ petition.

For better appreciation, it is not out of place to extract paragraph No.9 of the order of the Vidyut Ombudsman, which is as follows:

> "9. Thus it is noticed that the appellants had filed four Writ Petitions on the same demand before the Hon'ble High Court from 2013 to 2015. While two of these Writ Petitions were disposed of by the Hon'ble High Court, two are still pending. In view of this pendency, the present appeal is liable for rejection at this stage without going into the merits."

A perusal of the same reveals that the Vidyut Ombudsman rejected the appeal on the sole ground that some of the writ petitions are pending before this Court.

Having regard to the facts and circumstances of the case, the order dated 23.04.2016 is hereby set aside and Appeal No.29 of 2015 is remitted to the appellate authority i.e., the Vidyut Ombudsman,

Andhra Pradesh, Hyderabad for disposal of the same on merits as expeditiously as possible.

Accordingly, the Writ Petition is allowed. No costs.

Consequently, Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

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T.SUNIL CHOWDARY, J

Date: 25.07.2016
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