

HON'BLE SRI JUSTICE S.V.BHATT
WRIT PETITION No.12758 OF 2004

ORDER:

Heard Mr.V.Rajagopal Reddy for petitioner. No representation for respondents.

The petitioner challenges communication dated 30.06.2004, as illegal, arbitrary and violative of principles of natural justice.

The introductory facts need not be referred to, for admittedly, the petitioner is H.T. consumer of electricity Board. The operative portion of the communication reads as follows:

“Please take notice that a sum of Rs.16,23,937-00 (Rupees Sixteen Lakhs Twenty Three Thousand Nine Hundred and Thirty Seven only) is due from you by way of Electricity Charges for energy supplied/monthly minimum charges as per Agreement/Terms and conditions of supply notified by the Board/other charges as per statement of account indicated hereunder. You are therefore, requested to pay the amount in full settlement within fifteen days from the date of receipt of this notice failing which action will be taken to recover the amount due under Section 6 of the A.P.S.E.B.(Recovery of Dues) Act, 1984.

Statement of account showing amount due to the Board for HT Code No.NLR-233:

Sl.No.	Month	Description of amount	Amount
1.	01/2002	Amount pending in Court	4,58,877-00
2.	02/2002 & 03/2002	C.C.Charges	1,88,925-00
3.	04/2002 to 02/2003	M.M.Charges	5,09,754-00
4.	03/2003 to 01/2004(part)	-do-	4,66,381-00
(Upto 26-12-03)			Total 16,23,937-00

(Rupees sixteen lakhs twenty three thousand nine hundred and thirty seven only)

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The ground of challenge is that as early as 2002, the petitioner claims to have requested for disconnection of H.T. connection, restoration of L.T. connection and providing energy as L.T. consumer. According to petitioner, the levy and payment of H.T. consumption charges are contrary to the ground reality and also the consumption charges of petitioner. Had an opportunity been given to petitioner, he would have certainly explained the excess billing of Rs.16,23,937/- made by the respondents through impugned communication.

This Court granted interim order on 30.07.2004, same was made absolute and the interim order is subsisting.

From the material placed by the petitioner, it is evident that suddenly the impugned letter is addressed calling upon the petitioner to pay Rs.16,23,937/-. The respondent if had followed little procedure and put the petitioner on notice about the meter readings or had given timely reply to the request of petitioner, the situation would have been different. With a view to afford opportunity to petitioner, I am satisfied the writ petition can be disposed of by this order:

The petitioner is given liberty to file representation/explanation against the communication dated 30.06.2004 before the 1st respondent within eight weeks from today.

The 1st respondent is directed to consider, give opportunity to petitioner, take note of meter readings of 2002 till the date of issue of impugned proceedings, take decision and communicate the same. The interim order granted on 30.07.2004 is directed to be maintained till a decision as indicated above is taken and communicated to the

petitioner. The entire exercise shall be completed within a period of four months from today.

The writ petition is disposed of. No order as to costs.

Miscellaneous petitions pending, if any, shall stand
c l o s e d .

S.V.BHATT,J

Date:17.06.2016

Stp