

HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

WRIT PETITION No.23369 OF 2016

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking a writ of Mandamus declaring the retention of Rs.2,93,841.62ps equivalent to two months average power consumption charges as Security Deposit of the petitioner by the respondents without providing the prepaid meter as requested by the petitioner in respect of Consumer (Service Connection) No.ONG 706 as illegal and arbitrary and consequently direct the respondents to provide prepaid meter to the petitioner firm and refund the entire Security Deposit of Rs.2,93,841.62ps to the petitioner or adjust the same against the outstanding and future bills of the petitioner claimed by the respondents in respect of petitioner Consumer (Service Connection) No.ONG 706 and to pass such other necessary orders.

Heard the learned counsel for the petitioner and Smt.Jagarlamudi Koteswari Devi, learned standing counsel for the respondents.

At the time of hearing, learned standing counsel for the respondents submitted that the point urged by the petitioner is no more res integra in view of the decision of this Court in Writ Appeal No.968 of 2015 and batch dated 19.05.2016. The operative portion of the order at paragraph No.26 reads as follows:

“Both points are answered against the petitioners and in favour of the licensees. Orders of the learned single Judge, directing the distribution licensee to provide pre-paid meters in six months and permitting the petitioners to deposit only half of the

amount demanded are not sustainable. The common order made in group of writ petitions, under appeal is set aside. As a consequence, the demand of petitioners to wave additional security deposit has no merit and contrary to statutory prescription. Accordingly, the writ appeals filed by distribution licensees are allowed and the writ appeals filed by HT consumers/petitioners are dismissed. Order accordingly.”

The facts of the batch cases in the above referred writ appeals and the facts of the case on hand are almost identical. Hence, the present writ petition is also liable to be dismissed in terms of the decision of this Court in Writ Appeal No.968 of 2015 and batch dated 19.05.2016.

Accordingly, the writ petition is dismissed at the stage of admission. No order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

**T.SUNIL
CHOWDARY, J**

19.07.2016
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