

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION NO.4873 of 2016

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Between:

M/s. Shivaa Auto Mobiles

PETITIONER

AND

1. Telangana State Southern Power Distribution Company Limited.,
rep. by its Managing Director, Hyderabad, and others.

RESPONDENTS

ORDER:

Heard learned counsel for the petitioner and Sri R. Vinod Reddy, learned Standing Counsel for the respondents 2 to 4.

This writ petition is filed questioning the demand dated 30.01.2016 made by the 2nd respondent-Corporation directing the petitioner to pay a sum of Rs.85,042/- towards Supervision charges.

On noticing that the petitioner is running the two wheeler motor vehicles services illegally and coming to a prima facie conclusion that the petitioner is not entitled to be classified as Category-III, the respondents booked a case on 27.01.2016 alleging malpractice against the petitioner as he is supposed to be classified as Category-II. However, the 2nd respondent by making a provisional assessment, demanded a sum of Rs.85,042/- and called upon the petitioner to pay a sum of Rs.42,521/- towards 50% of the initial assessment + Supervision charges pending finalization of the case. The petitioner was also intimated that as against the order dated 30.01.2016 appeal lies to the Chief General Manager/Operation, Ranga Reddy Zone, Mint Compound, Hyderabad, who is the appellate authority and as a pre-condition, along with the amount of Rs.42,521/- a fee of Rs.1276/- was directed to be paid.

In view of the fact that there is appeal provision and considering the fact that it is only misclassification at the initial stage, the grievance of the petitioner, if any, against the demand and reclassification, can be redressed by the appellate authority, which is the ultimate authority in the hierarchy.

In that view of the matter I am not inclined to entertain the writ petition. However, considering the fact that time granted for depositing 50% of the demanded amount as demanded in the impugned order is

expiring today, I am inclined to direct the respondents to accept the appeal, if the petitioner files the same within a period of two weeks from today by complying with the condition of depositing Rs.42,521/- along with appeal fee of Rs.1276/-.

Subject to the above observations, the writ petition is disposed of. As a sequel, pending miscellaneous petitions, if any, shall stand closed. No order as to costs.

CHALLA KODANDA RAM, J.

16th February, 2016
Js.