

HON'BLE THE ACTING CHIEF JUSTICE DILIP B.
BHOSALE
AND
THE HON'BLE SRI JUSTICE P. NAVEEN RAO

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Writ Appeal Nos. 87, 173, 175, 232, 233, 277, 281, 282,
148, 149, 150, 151, 152, 153, 154, 155, 171, 172, 179,
180, 188, 197, 201, 202, 203, 205, 207, 208, 209, 210,
211, 212, 213, 214, 218, 219, 221, 228, 259, 260, 261,
326, 327, 328, 329, 356, 357, 363, 377 and 1249 of
2009; 193, 194, 196 and 198 of 2011; 779 of 2012, 1843
of 2013 and 934 of 2014

And

Review Petition Nos. 3477, 1326, 1317, 1327, 3478, 1313,
3475 and 3476 of 2009

In

Writ Petition Nos. 25326, 26078, 26079 and 26618 of
1999; 595, 1842, 2635 and 6802 of 2000

Date: 23.06.2016

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W.A. No. 87 of 2009

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Between:

M/s. SIFCO Metal Industries,
Secunderabad.

.....Appellant

And

Southern Power Distribution Company
Of Telangana,
Hyderabad and others.

... Respondents

HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE
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Common Judgment: (Per the Hon'ble the Acting Chief Justice Dilip B. Bhosale)

This batch of writ appeals is arising from order dated 22.9.2008 in Writ Petition Nos. 14921 of 1999 and batch. Review petitions tagged with this batch seek review of the very same order on the ground that several other questions/points, though, were argued at length before learned Single Judge, were not considered and dealt with.

Learned counsel appearing for the parties, in particular, appellants-writ petitioners, invited our attention the impugned judgment and submitted that the only question considered and dealt with by learned Single Judge was whether there is any illegality in the orders of respondents in imposing voltage surcharge on the petitioners ? and whether petitioners are entitled for any relief as prayed for ? Then, they invited our attention to the grounds of appeal and also averments in the

review petitions to submit that though other questions were also raised and argued before learned Single Judge at great length, they are not referred to and considered at all. It was further pointed out that the proceeding, i.e., B.P. Ms. No. 62, dated 28.12.1998 was challenged in some of the writ petitions and arguments were also advanced, but that was not considered and dealt with by learned Single Judge.

Mr. B. Adinarayana Rao, learned Counsel submitted that even while dealing with aforesaid questions, learned Single Judge did not refer to all submissions advanced by them nor did he consider the question in the light thereof in proper perspective. In the circumstances, they prayed for setting aside the impugned judgment and for remitting the petitions to learned single Judge to consider them afresh. It was also submitted that most of the appellants-writ petitioners have paid half of the amount demanded and some of the petitioners have paid even the entire amount and in view thereof, no prejudice will be caused to the respondents.

When learned counsel appearing for the respondents was confronted with these submissions, he could not and did not dispute correctness thereof. In the circumstances, without entering into the merits of the case, we pass the following order:

- 1) The judgment dated 22.9.2008 passed in Writ Petition No.14921 of 1999 and batch is set aside. The writ petitions are restored to file. Learned Single Judge having roaster to hear and decide these petitions, shall consider the writ petitions afresh. We request learned Single Judge to decide these petitions expeditiously. It is open to learned counsel for the parties to apply for fixed date of hearing before learned Single Judge.

- 2) We keep all contentions/questions open to be raised and considered by learned Single Judge.

- 3) It is needless to mention that the writ petitioners, wherever it is necessary, shall amend cause title within a period of two weeks from today by way of memos. Filing of the affidavit in support of the amendment of cause title is dispensed with.

4) The payments already made by the petitioners would be subject to out come of the writ petitions.

In view of this order, the review petitions have rendered infructuous and stand disposed of as such. The writ appeals are accordingly allowed.

Consequently, pending miscellaneous petitions shall also stand closed. No costs.

DILIP B. BHOSALE, ACJ

P. NAVEEN RAO, J

23rd June, 2016

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