

HON'BLE DR. JUSTICE B. SIVA SANKARA RAO

WRIT PETITION No.24577 of 2013

ORDER:

Heard learned counsel for the petitioner and Sri R. Vinod Reddy, learned counsel appearing for the respondents.

The array of respondent Nos.1 and 2 is ordered to be read instead of Central Power Distribution Company of AP Limited as Southern Power Distribution Company of TS Limited.

The case of the petitioner is that the respondents for change of category from LT III-A to LT II-B did not follow the procedure contemplated, more particularly, from condition No.3.4 of the general terms and conditions prescribed of notice with minimum 15 days time to make a representation or reply and it cannot be billed beyond six months back and thereby, the procedure is unsustainable apart from bar to raise the demand for a period of exceeding 2 years any arrears from the reading of Section 56 clause (2) of the Electricity Act, 2003 (for short 'the Act').

The prayer in the writ petition pursuant to the factual contents supra to direct the respondents to raise regular consumption bills under category III-A of service connection No.S8007066 and pass such other orders.

This Court by interim order dated 21.08.2013 in W.P.M.P.No.30264 of 2013 ordered not to take any coercive steps, however, the petitioner shall pay regular consumption charges under LT Category III. Though there is no counter filed by respondents, learned counsel for the respondents supra submit that the very writ petition itself is not maintainable on the threshold, more particularly, from the enclosures submitted to the writ petition. As it is not the back billing beyond 2 years demand raised, but for to say unauthorised consumption for one purpose the service connection involves non-manufacturing utility, thereby under Section 126 of the Act recourse taken by charging the same by giving the proceedings covered by

case No.DPE/HYN/SD02/3587/13 dated 17.05.2013, pursuant to the inspection conducted on 04.05.2013 at 12.30 hours by the ADE SD-II, DPE, Hyderabad North, Balanagar Section and found the same under Section 126 of the Act and as per the assessment rules in Appendix XII read with clause 9.3 of GTCS approved by the APERC, it is demanded to pay for the unauthorized use provisionally by assessing for a sum of Rs.5,57,917/-. An available concession is mentioned in the very proceedings to pay half of the amount i.e., Rs.2,78,958/- with incidental charges of Rs.100/- + reconnection charges of Rs.75/- to the AAO/ERO Bowenpally and furnish a receipt within 7 days to reconnect the service and right of appeal/representation provided within 15 days therefrom to the Superintending Engineer concerned.

From the enclosures to the writ petition according to the very petitioner say by making a representation that 50% of the amount stated to have been deposited and pursuant to the said appeal/representation, the Superintending Engineer vide letter D.No.650 dated 05.06.2013, fixed the date of hearing on 20.06.2013. Now it is submitted by the petitioner that though he filed the representation/appeal the same is still pending without any finality.

Having regard to the above by taking care from the interim order passed by this Court to hold good meantime, the writ petition is disposed of by directing the Superintending Engineer to dispose of the said representation/appeal within three (03) months from the date of receipt of a copy of this order. Subject to the result, the petitioner is entitled to invoke any further remedies.

Accordingly, this writ petition stands disposed of.

Consequently, miscellaneous petitions, if any shall stand closed. No costs.

JUSTICE Dr. B.SIVA SANKARA RAO

Date: 27.04.2016
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