

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 24594 OF 2011

ORDER:

This writ petition is filed for the following relief:

“Hon’ble Court may be pleased to issue a writ, direction or order especially in the nature of a writ of mandamus declaring that the demand made by the Respondent No.1 by its impugned letter (Lr.No.Dy.CCA (PP&S) / SAO-II/D.No.262/11) dated 3-6-2011 pursuant to the unilateral, illegal directions of APERC in its letter (Lr.No.APERC/E-205/DD-Dist/2010) dated 6-5-2010 as illegal and arbitrary and set aside the said demand and, consequently, direct the Respondents to refund the sum of Rs.9,51,84,644/- (Rs.5,05,90,298/- recovered from the bills for the months of March and April, 2011 and Rs.4,45,94,346/- recovered from the bill for the month of May, 2011) illegally recovered from the Petitioner and pass such further or other order (s) and this Hon’ble Court deems fit and proper in the circumstances of the case.”

2. When the matter is taken up for hearing, both the learned counsel for the petitioner as well as the learned counsel appearing for the respondents fairly submit that the issue raised in the present writ petition is squarely covered by the orders of this Court in W.P.No.14565 of 2010 dated 06.04.2016 and hence both the counsel pray that the matter may be disposed of in terms of the above order.

3. Following the order passed in W.P.No.14565 of 2010, this writ petition also deserves to be allowed.

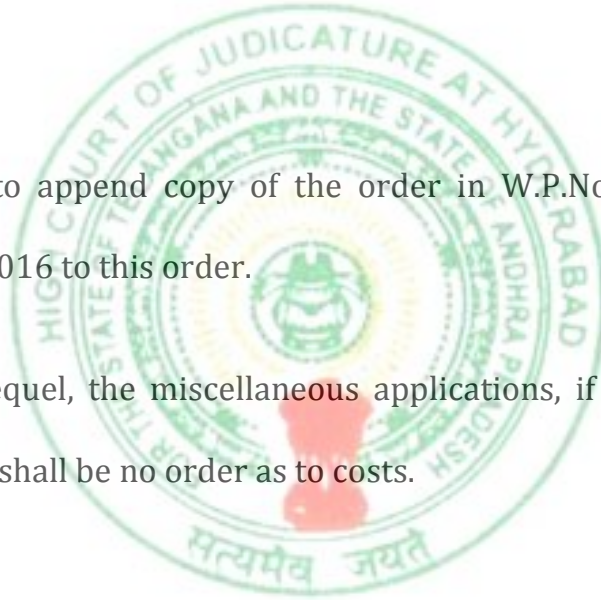
4. However, it is represented by the learned counsel for the sixth respondent-Commissioner that on account of various reasons, particularly, on account of the retirement of the Chairman of the Commission and subsequently as there was a vacancy in the place of

Chairman, it took some time for the new Chairman to take charge. As a matter of fact, as on date, notice has already been issued the Commission would proceed with the matter as directed by this Court and settle the issue. Considering all these aspects three months time is granted from the date of receipt of a copy of this order.

5. Accordingly, the writ petition is disposed of. The Commission shall endeavour to complete the entire exercise within three months from the date of receipt of a copy of this order. Petitioner is entitled to place the relevant material before the Commission within four weeks from today.

Office to append copy of the order in W.P.No.14565 of 2010 dated 06.04.2016 to this order.

As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.



JUSTICE CHALLA KODANDA RAM

September 20, 2016
LMV