

HON'BLE SRI JUSTICE S.V.BHATT

W.P.No.5114 OF 2016

ORDER:

Heard Mr.Challa Gunaranjan for petitioner and Mr.Vinod Reddy for respondents.

With the consent of learned counsel appearing for the parties, the writ petition is disposed of finally.

The petitioner complains against the inaction of respondents in considering and disposing of representation of the petitioner dated 11.02.2016 and not granting seven instalments for payment of current consumption charges of Rs.3,58,12,733/- for the months of Decmber,2015 and January,2016, as arbitrary, illegal and contrary to the Electricity Act,2003.

The facts and circumstances are not in dispute. As the grievance is against the inaction firstly in disposing of the representation dated 11.02.2016 and inaction in granting required number of instalments, a few circumstances leading to the filing of present writ petition are referred to.

Admitted fact situation is that the petitioner has not paid consumption charges for the months of December,2015 and January,2016. Due to the default in payment of current consumption charges for these two months, the respondents disconnected power supply of power unit on 24.01.2016. The petitioner is successful to the limited extent of taking two instalments for payment of demanded amount of Rs.3,58,12,733/-. For having a comfortable instalment period, it is alleged, a representation was made on 11.02.2016 and it is not disposed of. Learned standing counsel Mr.Vinod Reddy submits that the obligation on the petitioner to pay current consumption charges is governed by the terms of supply agreement and hardly any case is made out for grant of instalments or that the inaction in disposing of representation dated 11.02.2016 cannot be complained in this Court by filing the present writ petition.

I have perused the affidavit and also the material papers filed along with the writ petition. From the material available on record, I am of the view that due to circumstances beyond the operational reach of petitioner, the current consumption charges for the months of December,2015 and January,2016 could not be paid. The petitioner requests grant of seven instalments. It is further stated that even if instalments are granted to petitioner, recovery of demanded amount is in accordance with the Regulations and the respondents do not suffer prejudice or irreparable loss. Learned counsel prays for grant of seven instalments subject to the further condition that the petitioner continues to pay the ongoing current consumption charges after the power is restored.

I have carefully considered the submissions of learned counsel. I am of the view that the continued disconnection of power supply to petitioner industry results in irreparable loss and hardship and on the other hand, the interest of respondents can be protected by passing a workable order which meets the ends of justice. Hence, the writ petition is disposed of in the following terms:

a) The petitioner shall pay a sum of Rs.58,12,733/- on or before 28th of February,2016 and on such deposit, the respondents are directed to restore power supply to the petitioner industry.

b) As regards the balance of Rs.3 Crores is concerned, the petitioner is granted six equal monthly instalments, 1st instalment payable by 15th March, 2016. The instalment attracts interest in terms of applicable Regulations. The petitioner undertakes to pay current consumption charges after the power is restored, without default. It is made clear that if petitioner commits default of paying either the instalments or current consumption charges, the authorities are given liberty to take action against the petitioner.

The writ petition is accordingly disposed of. No order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

S.V.BHATT,J

Date:18.02.2016

Note:

C.C. by tomorrow.

B/o.

Stp