

THE HON'BLE SRI JUSTICE M.S.K.JAI SWAL

WRIT PETITION No.23950 of 2005

ORDER:-

This writ petition is filed for a mandamus declaring the order of the 2nd respondent communicated to the petitioner in his letter No.CMG/MZ/Hyd/SMRT/HT/HDN-436/D.No.337, dated 18.10.2005, confirming the order of the 3rd respondent in Letter No.SE/OP/NORTH/HYD/SAO/JAO/HT.IV/F.HDN-436/D.No.205/04, dated 09.08.2004, as illegal and arbitrary and contrary to Section 49-I of the Indian Electricity (A.P. Amendment) Act, 2000 and consequently set aside the same.

During course of hearing, the learned counsel for the petitioner submitted that the dispute revolves round the defective meter. Attention of this court is invited to a Division Bench judgment of this Court, in *Brilliant Industries Ltd. V. Transmission Corpn.of A.P.Ltd.,(A.P.TRANSCO)*¹ wherein the Division Bench, in paragraphs-6 & 7, held as under:

“6. Thus, it is seen that special Tribunal and special Court is constituted under the Indian Electricity (A.P. Amendment) Act, 2000 and that the said Tribunal or Court shall have jurisdiction to decide any dispute relating to correctness or otherwise of any matter. This amendment was brought into force with effect from 31st July, 2000. Since the amendment has come into force much prior to the passing of the impugned order, the amended section will alone govern the whole issue.

7. We, therefore, affirm the judgment of the learned single Judge and direct the appellant herein to approach the special Court under Section 49-I of the Indian Electricity (A.P. Amendment) Act, 2000. The appellant shall approach the special Court constituted under the provisions of the amended Act shall decide the dispute relating to correctness or otherwise of the meter in question after affording an opportunity to both the parties. Till then, the impugned order demanding a sum of Rs.1,02,550/- shall not be given effect to.”

¹ 2002 (1) ALD 806 (DB)

The above judgment is clearly applicable to the facts of the case on hand. Therefore, following the said judgment, the Writ Petition is disposed of, directing the writ petitioner to approach the special Court under Section 49-I of the Indian Electricity (A.P. Amendment) Act, 2000, for redressal of its grievance, within a period of 4 (four) weeks, from the date of receipt of a copy of this order. On receipt of such representation from the writ petitioner, the special Court shall decide the dispute relating to correctness or otherwise of the meter in question, after affording an opportunity to both the parties. Till then, the impugned order, dated 09.08.2004, demanding a sum of Rs.1,47,419/- shall not be given effect to. No order as to costs.

Pending miscellaneous applications, if any, shall stand closed in consequence.

Date: 17.08.2017
Dsr



M.S.K.JAI SWAL, J