

THE HONOURABLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.2214 of 2012

ORDER:

It is submitted by the learned counsel for the petitioner and the learned Standing Counsel for the respondents that the issue in the present Writ Petition is covered by the judgment of this Court in W.P.Nos.151 of 2012 & 33798 of 2011 dated 03.07.2012. Copy of the same is also placed on record. The operative portion of the said order reads as under:

“I have carefully considered the submissions of the learned counsel for the parties. The question whether, in the face of the Tariff Order issued by the Electricity Regulatory Commission, a separate notice needs to be issued for changing the category of a consumer, or not, need **not be** addressed in these cases for the simple reason that there is a serious dispute relating to the **nature of** business activity of the petitioners. Even if the law does not require issuance of a prior notice for change of category for a particular category of consumers, the Tariff Order has itself prescribed a particular Tariff. In the instant case, application of Tariff Order dated 01.04.2011 for charging the petitioners’ units under L.T.Category-II depends upon the fact whether the petitioners are running only printing press or manufacturing poly-ethane covers with printing thereon as part of the whole manufacturing process. If the latter is true, then the Tariff Order dated 01.04.2011 cannot be made the basis for changing the petitioners’ service connections to L.T.Category-II. Therefore, in order to determine this question, a prior notice is very much

necessary. If after such notices, the petitioners are unable to show that they are carrying on manufacturing activity and that they are involved only in printing on the poly-ethane bags already manufactured, the respondents will be entitled to change the petitioners' service connections from LT Category-III(A) to LT Category-II. As this procedure is not followed by the respondents, the impugned bills are set-aside. The respondents are given liberty to issue notices to the petitioners calling for objections for change of the latter's category. On consideration of the objections along with the material, if any, that may be filed by the petitioners, the competent authority shall pass speaking orders and communicate the same to the petitioners. Till such a decision is taken, the petitioners are directed to pay the electricity charges under LT Category-III(A). The bills of the petitioners will however be subject to revision depending upon the result of the enquiry and the order that may be passed by the competent authority as directed above".

Subject to the above directions, the Writ Petitions are disposed of.

Following the above said judgment, and for the reasons recorded thereof, this Writ Petition is also disposed of.

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

A.V.SESHA SAI, J

13th June,2017
Tsy