

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.31311 of 2011

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed by the petitioner seeking verbatim the following relief:

“...to issue a Writ or Order or Direction more particularly one in the nature of *Writ of Mandamus* declaring the action of the 3rd Respondent in billing the Petitioner unit under HT Category - II instead of HT Category - I as arbitrary, illegal and contrary to Orders dated 02-05-2008 in W.P. No. 14980 of 2007 and consequently direct the 3rd Respondent to adjust an amount of Rs.67,40,926/- towards the future bills and pass such other order or orders....”

2. I have heard the submissions of Sri M.Ravindranath Reddy, learned counsel for the petitioner, and of Sri Vinod Reddy, learned Standing Counsel for TSSPDCL, representing the respondents. I have perused the material record.

3. The facts which are necessary to be stated as a prelude to this order, in brief, are as follows:-

The petitioner earlier filed a writ petition in W.P.No.14980 of 2007 before this Court impugning the action of the respondents in directing change of classification of power connection of the petitioner from 'H.T.Category-I' to 'H.T.Category – II (non industrial)' and consequential levy of differential bill charges. The said writ petition was resisted by the respondents. On merits and by the order, dated 02.05.2008, this Court allowed the writ petition *inter alia* observing as follows:-

“However, it is open for the respondents to issue notice to the petitioner for change of category in accordance with the existing terms and conditions of supply. If any consumption charges are collected from the petitioner either on account of arrears or regular monthly consumption charges based on the revised category, the

same shall be refunded to the petitioner or re-adjusted against the consumption bills.”

3.1. Thereafter, the petitioner submitted a representation to the respondents. However, according to the petitioner, the respondents started demanding consumption charges under ‘H.T.Category – II’, without disposing of the said representation and notwithstanding the aforesaid orders of this Court in the earlier writ petition. Hence, the petitioner filed the present writ petition seeking the relief which is stated in the introductory paragraph of this order.

4. On 28.11.2011, this Court granted the following interim order in this writ petition:-

‘A perusal of the record, prima facie, shows that without passing any order after disposal of W.P.No.14980 of 2007, the respondents have been raising bills under category 2. This, prima facie, appears to be contrary to the order of this Court in W.P.No.14980 of 2007. The respondents are, therefore, directed not to disconnect the power supply to the petitioner so long as it continues to pay tariff at HT-I Category.’

5. Pursuant to the said order of this Court, the respondents have not disconnected the power supply to the property of the petitioner and the petitioner is continuing to pay the tariff at HT-I Category. During the pendency of this writ petition, by proceedings, dated 20.08.2016, one of the respondents, i.e., Superintending Engineer (Operations), Ranga Reddy Circle (East), disposed of the representation of the petitioner and reclassified the category of the petitioner’s service connection as Category – II (commercial). In the concluding paragraph of the said proceedings, the said authority held as follows:-

‘In view of the above the change of the Category from H.T.Cat-I (Industry) to H.T.Cat-II is correct and as per rules and it is requested to arrange the payment of Rs.1,25,98,356.00 (Rupees One Crore Twenty Five Lakhs

Ninety Eight Thousand Three Hundred and Fifty Six only)
within (15) days from the receipt of this notice' .

(Reproduced verbatim)

6. Assailing the said proceedings, the petitioner filed W.P.No.3984 of 2017 before this Court and this Court, by an interim order, dated 06.02.2017, suspended the aforesaid proceedings. The said interim order reads as follows:-

‘There shall be interim suspension as prayed for.’

7. In view of the chronology of events and filing of the subsequent writ petition and the interim orders obtained in the said writ petition by the petitioner, the learned counsel for the petitioner would submit that no cause survives for adjudication in this writ petition and that the writ petition may be disposed of with appropriate observations to protect the interests of the petitioner and to meet the ends of justice.

8. The learned Standing Counsel for TSSPDCL representing the respondents would submit that in view of the proceedings that were issued by one of the respondents and the writ petition that was filed by the petitioner assailing the said proceedings, no cause survives for adjudication and the writ petition may be dismissed as infructuous.

9. Having regard to the said submissions of the learned counsel for both the sides, this writ petition can be disposed of with appropriate directions and observations, in the considered view of this Court.

10. Accordingly, this writ petition is disposed of as infructuous. However, as the interim order, dated 06.02.2017, granted by this Court in Writ Petition No.3984 of 2017 protects the interest of the petitioner

and inures for the benefit of the petitioner, no further directions are necessary in this writ petition.

There shall be no order as to costs.

Miscellaneous petitions pending, if any, in this writ petition shall stand closed. There shall be no order as to costs.

M. Seetharama Murthi, J

21st March, 2017
Bvv

