

THE HON'BLE SRI JUSTICE M.S.K.JAISWAL

W.P.No.9523 of 2004

ORDER

This writ petition is filed with the following prayer:

“to issue an appropriate order, direction or a writ more particularly one in the nature of a writ of mandamus declaring that the proceedings issued by the respondents ending with impugned Lr.No.CGM(commI)/DE(C)/ADE-1/F-HT/D.No.608/04 dated 28.05.2004 demanding the payment of the further amount towards alleged surcharge for the period of 7/89 to 3/90 with immediate threat to disconnect the power supply is baseless, arbitrary, illegal and contrary to the judgment of Division Bench of this Court dated 16.06.2003 in W.A.No.786 of 2002 and batch and to pass such other order or orders”.

2. Heard learned counsel for petitioner and learned Standing Counsel for respondents Corporation.

3. The facts, in brief, are that the petitioner cotton mill was established in the year 1962 and it obtained electric connection from the A.P. State Electricity Board and has been paying the surcharge every month. While so, the respondents issued bills on various dates calculating the charges at higher rates. Challenging the said bills, the petitioner filed several writ petitions and also writ appeals before this Court. By order dated 16.06.2003, a Division Bench of this Court disposed of the said writ petitions and writ appeals being W.A.No.786 of 2002 and W.P.Nos.10018 of 1990, 14245 of 1989 and 7328 of 1990, wherein it was observed as under:

“In the facts and circumstances of the case, no further directions deserve to be issued in these cases except directing that the Central Power Distribution Company of A.P.Limited, either itself, or its delegate shall workout the amount which may be found payable to the appellant/writ

petitioners and the same is liable to be refunded by adjusting towards future dues. The decision shall be taken within a period of four weeks from today and the decision shall be conveyed to the appellant/writ petitions giving full details”.

It is stated that in pursuance of the direction of the Division Bench of this Court, the respondents Corporation issued a letter dated 30.12.2003 to petitioner demanding payment of Rs.17,67,961-68ps. Pursuant to the said letter, the petitioner gave a representation to the respondents on 17.02.2004 stating that they are not liable to pay the amount as demanded, but instead, they are liable to pay only a sum of Rs.3,16,863-88ps, which was already remitted by it by way of challan dated 05.02.2004. Considering the said representation, the respondents have issued a letter dated 28.05.2004, which reads as under:

“In view of the circumstances stated in your letter under reference cited, the CPDCL examined your request and decided that the waiver of voltage surcharge amount of Rs.14,51,098/- for the period of 7/89 to 3/90 shall not be considered.

Therefore, you are requested to pay the above said amount immediately to avoid disconnection of power supply”.

Aggrieved by the said letter, the present writ petition is filed contending that the respondents have not passed any speaking order as against the representation made by petitioner and that the contentions raised by petitioner in its representation dated 17.02.2004 have not been considered.

4. Having heard the learned counsel for both sides and perused the material on record, it is felt that the respondent authorities have to pass a detailed order with reference to the representation made

by petitioner on 17.02.2004. However, since the payment of Rs.14 lakhs and odd is pending, the petitioner is directed to deposit a sum of Rs.5,00,000/- (Rupees five lakhs only) to the respondents Corporation without prejudice to its claim of waiver of voltage surcharge amount, and as and when such amount is deposited, the respondents are directed to pass a detailed order in accordance with law after considering the contentions raised by petitioner in its representation.

5. Accordingly, the Writ Petition is disposed of. No order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

28th August, 2017

sj

M.S.K.JAISWAL,J

