

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

WRIT PETITION No.15135 of 2005

ORDER:

This writ petition is filed for issue of a writ of mandamus, declaring G.O.Ms.No.179 Industries and Commerce (F.P) Department, dated 22.06.2005, as illegal, arbitrary and violative of Article 14, 19 (1) (a) of the Constitution of India, and consequently direct the respondents to implement G.O.Ms.No.333 Industries and Commerce (C & E.P) Department, dated 14.11.2003 and refund the excess charges collected by the 1st respondent from 14.11.2003 till date from the petitioner over and above Rs.1.75 ps per unit fixed under G.O. with interest @12% p.a.

Heard the learned counsel appearing for the petitioner and the learned Counsel appearing for the respondents.

It is the contention of the writ petitioner that he is having a Cold Storage Unit under the name and style of L.V.S.Cold Storage Private Limited at Madhavanagar, Nizamabad. As per G.O.Ms.No.333 Industries and Commerce (C & E.P) Department, dated 14.11.2003, the petitioner contends that he is entitled to power consumption at a concessional rate. In pursuance of the said G.O., the petitioner has submitted a representation, dated 13.06.2005 to the 1st respondent for extending the said benefit, and the same is pending consideration.

While the matter is pending consideration, the District Level Committee in its meeting, dated 09.05.2005, has approved the power subsidy to the petitioner, but the eligibility certificate was not issued, in view of the directions of the Commissioner of Industries to withhold issuance of certificate until further orders. Thereafter, G.O.Ms.NO.179, Industries & Commerce (FP) Department, dated 22.06.2005 was issued

restricting the benefit to the units which are gone into commercial units. Therefore, the representation of the writ petitioner pending before the 1st respondent has not been finally adjudicated and hence a direction can be issued to the 1st respondent to consider the representation of the writ petitioner about his claim that he is entitled to the concessional power tariff for the period from 14.11.2003 to 22.06.2005 i.e., for the period in between the issuance of above referred two G.Os.

In view of the above, the Writ Petition is disposed of, directing the 1st respondent to consider the representation of the writ petitioner, dated 13.06.2005, with reference to G.O.Ms.No.333 Industries and Commerce (C & E.P) Department, dated 14.11.2003, and pass appropriate orders thereon, within a period of 3 (three) months from the date of receipt of a copy of this order. No order as to costs.

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

Date:03.08.2017
Dsr

M.S.K.JAI SWAL,J

