

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

W.P.No.9954 of 2005

ORDER

This writ petition is filed with the following prayer:

“to issue a writ of mandamus or any other appropriate writ or direction declaring the orders passed by the 1st respondent in Lr.No.CGM/COML)/DE(C)/ADE-2/D.No.2499/04 dated 26.11.2004 confirming the orders of the 2nd respondent No.SEA/HYD/F.No.ATP-129/SAH No.9590/D.No.199 dated 27.01.2004, as illegal, arbitrary and pass such other or further orders”.

2. The third respondent issued a show cause notice dated 28.02.2002 to the petitioner on the allegation of pilferage of energy. Though the petitioner submitted his explanation, the 2nd respondent passed orders on 27.01.2004 directing him to pay an amount of Rs.7,84,156/- towards pilferage of energy charges. Challenging the same, the petitioner preferred appeal before the first respondent, who in turn, passed orders on 26.11.2004 confirming the orders of the 2nd respondent. The relevant portion of order dated 26.11.2004 reads as under:

“In view of the above, it is concluded that the orders passed by Chief General Manager/Operation/CPDCL/Hyderabad holds good. Your representation cited in reference 1st cited above is rejected”.

Aggrieved by the said orders, the present writ petition is filed.

3. Learned counsel for petitioner submits that though the petitioner submitted a detailed representation mentioning various grounds, the appellate authority ought to have considered the same, but passed a one line cryptic order that the representation of

petitioner was rejected and thus, he prays to remand the matter to the appellate authority for consideration afresh of the representation of petitioner.

4. Having heard the learned counsel for petitioner and on perusal of the record, it is noticed that the appellate authority has rejected the appeal by non speaking cryptic order dated 26.11.2004. The appellate authority while deciding the appeal was required to consider the grounds raised therein and pass a speaking order. In view of the nature of the order of the appellate authority, the request of the petitioner can be acceded to. Therefore, the appellate order dated 26.11.2004 is set aside and the matter is remitted to the first respondent for disposal of the appeal afresh.

5. In view of the above, the Writ Petition is disposed of, by directing the appellate authority to decide the appeal afresh in accordance with law and pass a reasoned speaking order within a period of three months from the date of receipt of a copy of this order. No order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

7th September, 2017
sj

M.S.K.JAISWAL,J