

HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

Writ Petition No.6592 of 2007

ORDER:

The proceedings under challenge in this Writ Petition is the letter dated 28.02.2007 whereby M/s.Siltec Autoparts Limited was informed that the A.P.C.P.D.C.L was agreeable for restoration of power supply to their service, as per the reliefs extended to sick industries under revival package, subject to fulfillment of the conditions mentioned in the letter. Aggrieved thereby the petitioner, which claims to have purchased the sick industry belonging to M/s.Siltec Autoparts Limited, invoked the jurisdiction of this Court; and, by the interim order dated 02.04.2007, the respondents were directed to provide power supply to the petitioner on condition that it deposited a sum of Rs.2,00,000/- towards the dues upto the date of disconnection, and minimum charges upto the date of termination of the agreement.

While Sri D.V. Nagarjuna Babu, Learned Counsel for the petitioner, would submit that the petitioner is entitled for refund of the excess charges paid during the period December, 2002 to June, 2003, Sri R.Vinod Reddy, Learned Standing Counsel for the respondents, would submit that, since the agreement with M/s.Siltec Autoparts Limited was terminated on 20.10.2003, the petitioner was required to enter into a new agreement with the respondents; and they cannot claim refund of the amount in terms of the earlier agreement which was terminated on 20.10.2003.

The fact remains that, pursuant to the interim order, the petitioner appears to have been granted a L.T. category electricity connection. The question whether the petitioner was liable to pay the charges under H.T. category from December, 2002 to June, 2003, and

whether they are entitled to seek refund of Rs.2,09,490/-, are all matters which the respondents should consider in the first instance.

Sri R.Vinod Reddy, Learned Standing Counsel for the respondents, would submit that, instead of adjudicating the Writ Petition on its merits, it would suffice if the petitioner is permitted to make a representation afresh, and the respondents would consider the same at the earliest. Sri D.V. Nagarjuna Babu, Learned Counsel for the petitioner, readily agrees for such an order to be passed.

I consider it appropriate, in such circumstances, to permit the petitioner to submit a representation to the 2nd respondent within 3 (three) weeks from today and, on such a representation being made, the 2nd respondent shall consider the same in accordance with law, and pass a reasoned order within 4 (four) weeks from the date of receipt of the petitioner's representation.

The Writ Petition is, accordingly, disposed of. The Miscellaneous Petitions pending, if any, shall also stand disposed of. No order as to costs.

RAMESH RANGANATHAN, ACJ.

Date:27.01.2017.

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