

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No:28252 OF 2013

ORDER:

1. This writ petition is filed seeking to declare the order, dated 23.9.2013 passed by the 3rd respondent directing the petitioners to pay the balance amount arising out of R & C Charges by treating the petitioner-companies as HT-I other than continuous process industries in respect of Service Nos.HT KNL-219, 239 and 357 as illegal, and to direct the respondents to treat the petitioners-companies as HT-I continuous process industries during R & C period as imposed by the 5th respondent.

2. The case of the petitioners is as follows:

The petitioners-companies established the factories in Kurnool District and the said factories are engaged in the manufacture of in-organic chemical units and for the said purpose, the petitioners-companies obtained a High Tension Service connection vide HT KNL 219, 239 and 357 respectively from the respondents. The A.P. Electricity Regulatory Commission in order to impose restrictions on usage of power by consumers, classified the consumers into two categories viz., HT consumers and LT consumers. Again, HT categories are divided into different categories. The petitioners-companies have been classified as HT-I other than continuous process industries, and individual notices were served on all the petitioners fixing the quota/formula calculation in respect of drawal of power during R & C period. On noticing that the respondents classified the petitioners as HT-I non-continuous process industries, the petitioners made a representation to the 3rd respondent on 24.9.2012 stating that the petitioners-companies are chlorine based process industries and they require continuous power supply. The petitioners requested to treat them as HT-I continuous process chemical industries. The 3rd respondent forwarded the

representation of the petitioners to the 2nd respondent with a recommendation for according permission for utilization of 60% load during off peak and 30% during peak period on the contracted maximum demand on par with continuous process industries. But respondents Nos.1 and 2 neither approved the said recommendations nor rejected the same. While so, the 3rd respondent passed the impugned order directing the petitioners to pay the balance of R & C amounts on or before 25.9.2013. Hence, the petitioners filed this writ petition.

3. The learned Counsel for the petitioners confined his arguments only to the extent of consideration of the representation of the petitioners pending before the authorities concerned. From the material available on record, it is evident that without considering the representation made by the petitioners on 24.9.2012, the 3rd respondent passed the impugned order. Further, it is evident that the 3rd respondent made recommendations on the basis of the representation of the petitioners to respondents Nos.1 and 2.

4. In the above circumstances and in view of the recommendations of the 3rd respondent-Superintending Engineer, the authorities of APSPDCL, Tirupathi, concerned are directed to pass appropriate orders on the representation made by the petitioners on 24.9.2012, within a period of three months from the date of receipt of a copy of this order. Till such time, the authorities concerned are directed not to insist for payment of the amount on the basis of the impugned order.

5. With the above directions, the Writ Petition is disposed of. No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

Justice Raja Elango

Date: 20th April, 2017
Nn.

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20.04.2017

Nn.