

THE HONOURABLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.10502 OF 2017

ORDER:

Heard Smt K.Sesharajyam, learned senior counsel appearing for the petitioner, and Sri R.Vinod Reddy, learned Standing Counsel appearing for the respondents.

2. The change of classification of supply to the petitioner from HT Category-II to Temporary supply and consequently, levying an amount of Rs.69,28,401/- *vide* proceedings letter Lr.No.SE/OP/RRC(S)/SAO/HT/D.No.720/2017, dated 25.02.2017, is under challenge in the present writ petition.

3. Earlier, the petitioner herein, questioning the action of the respondents in affecting such transfer without being preceded by any notice, filed W.P.No.18296 of 2012 before this Court. This Court, *vide* order, dated 12.08.2013, allowed the said writ petition, setting aside the impugned letter-cum-consequential assessment for short billing, dated 15.03.2012, and remanded the matter to the respondents for fresh consideration after giving notice and opportunity of hearing to the petitioner company. Thereafter, the petitioner herein submitted written objections/submissions against the impugned action. Now, by virtue of the impugned letter, dated 25.02.2017, the Superintending Engineer (Operation) Circle, Ranga Reddy District/respondent No.3 herein passed the order under challenge directing the petitioner to pay an amount of Rs.69,28,401/- within a period of fifteen (15) days from the date of receipt of the notice.

4. According to the learned senior counsel, the said order, dated 25.02.2017, passed by respondent No.3 is neither sustainable nor tenable in the eye of law. It is further submitted that the order under challenge is a non-speaking order without being supported by any reasons though the petitioner herein submitted elaborate objections to the impugned action.

5. On the other hand, it is submitted by Sri R.Vinod Reddy, learned Standing Counsel appearing for the respondents, that there is no illegality nor exists any infirmity in the impugned action and only after affording opportunity as per the orders of this Court in the earlier writ petition, the present impugned letter came to be issued, fixing the liability.

6. A perusal of the material available before this Court manifestly discloses that after disposal of the earlier writ petition i.e., W.P.No.18296 of 2012, the petitioner herein submitted elaborate objections to the impugned action. A reading of the order under challenge shows, in clear terms, that respondent No.3 neither adverted to the contents of the objections/submissions submitted by the petitioner nor considered the same. The impugned letter, except saying that the material has been examined and the same does not merit any point, does not assign any reasons by dealing with the objections raised by the petitioner herein. This exercise undertaken by respondent No.3 herein, in the considered opinion of this Court, is neither sustainable nor tenable in the eye of law. Hence, in the considered opinion of this Court, the matter requires re-consideration by respondent No.3 and the present impugned letter is liable to be set aside.

7. Accordingly, the Writ Petition is allowed, setting aside the impugned letter Lr.No.SE/OP/RRC(S)/SAO/HT/D.No.720/2017, dated 25.02.2017, and the matter is remanded for fresh consideration by respondent No.3 after taking into consideration the objections raised by the petitioner herein and after giving opportunity of hearing to the petitioner herein. Till the said exercise attains finality, no coercive action shall be taken against the petitioner herein. There shall be no order as to costs.

8. Miscellaneous Petitions pending, if any, in this Writ Petition shall stand closed.

24.03.2017
AMD

JUSTICE A.V.SESHA SAI



THE HONOURABLE SRI JUSTICE A.V.SESHA SAI



WRIT PETITION No.10502 OF 2017

Date: 24.03.2017

AMD