

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No:38507 OF 2013

ORDER:

1. This writ petition is filed by the petitioner seeking to declare the action of the 5th respondent in issuing proceedings dated 5.12.2013 changing the category of service connection from L.T. Category-III to II, as illegal and arbitrary.

2. The grievance of the petitioner concern is as to the action of the Southern Power Distribution Company of A.P Limited (APSPDCL) in billing it under Category II instead of L.T. Industrial Category-III(A). Admittedly, the petitioner concern was hitherto being supplied electricity treating it as a L.T. Category-III(A) consumer. However, the bill dated 9.6.2011 issued by APSPDCL reflects that the petitioner concern was treated as L.T. Category II consumer. The petitioner concern's grievance in this regard was not redressed by the APSPDCL upon its representation. Hence, the petitioner filed this writ petition.

3. On instructions, the learned Standing Counsel for APSPDCL conceded that no notice was issued to the petitioner concern prior to the change in categorization. In that view of the matter, the issue is squarely covered by order dated 7.9.2012 passed by this Court in W.P.No.28106 of 2012. This Court observed therein that Regulation 8 of the A.P. Electricity Regulatory Commission (Consumer's Right to Information) Regulations, 2000 required issuance of notice to the consumer before change of the category of his service connection. The unilateral action of the distribution company in changing category of the petitioner's service therein without notice was accordingly declared as illegal.

4. For reasons alike as were mentioned in the said order, this Writ Petition is allowed declaring the action of the APSPDCL in unilaterally converting the category of the petitioner's service connection from L.T. Industrial Category III(A) to L.T. Category II as illegal and unsustainable. The APSPDCL shall revise its billing for the said period treating the petitioner concern as a consumer falling under L.T. Category-III(A). This order shall however not preclude the APSPDCL from initiating action afresh in accordance with the due procedure for changing the category of the petitioner concern's service connection. WPMP No.47860 of 2013 shall stand closed in the light of this final order. No order as to costs.

Justice Raja Elango

Date: 20th April, 2017
Nn.



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20.04.2017

Nn.