

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION Nos.8378 OF 2015 & 40592 of 2017

COMMON ORDER :

Since the parties and issue involved in both the writ petitions is one and the same, they are being heard together and disposed of by this common order.

The case of the petitioner is that when respondents were demanding developmental charges for restoration of CMD (original capacity) to 6000 KVA, through letter dated 05.03.2015, the petitioner filed WP.No.8378 of 2015 and this Court granted interim order on 31.03.2015 directing the respondents not to restore the Maximum Demand of 2300 KVA so as to restore the petitioner's original capacity (CMD) without insisting for payment of developmental charges. In spite of the same, the respondents have collected developmental charges for restoring the CMD to its original capacity. Though, the petitioner had adjusted the developmental charges, against consumption bill payable for the month of October, 2017, the respondents are trying to disconnect the power supply. Aggrieved by the same, present writ petition is filed.

Learned counsel for the petitioner submits that as per clause 8.6 of the Andhra Pradesh Electricity Regulatory Commission (Licensees Duty for Supply of Electricity on Request) Regulation, 2013, the distribution licensee is not

entitled to collect development charges for restoring the de-rated capacity to the original level.

On the other hand, Sri R.Vinod Reddy, learned Standing Counsel for respondents submits that petitioner cannot adjust the amounts through regular bill amounts; that if at all they are aggrieved, they have to make application before the authorities in respect of their grievance; and that if such application is made the respondent authorities will consider the same as per Regulations and pass orders.

It is to be seen that when proceedings were issued on 05.03.2015, requiring the petitioner to pay developmental charges for restoring the CMD of 2300 KVA, contrary to Regulation 8.6 of the Regulations, 2013, petitioner filed WP.No.8378 of 2015 and this Court granted interim direction to the respondents not to restore the Maximum Demand of 2300 KVA so as to restore the petitioner's original capacity (CMD) without insisting for payment of developmental charges. It is stated that inspite of the said order, developmental charges were recovered from the petitioner. In view of the same, it is open for the petitioner to make application in terms of Regulation 8.6 of the Regulations, 2013, within a period of two weeks from today, and on such application, the competent authority is directed to dispose of the same within a period of two weeks thereafter. Pending consideration of the application of petitioner, there shall be

stay of disconnection. However, the petitioner shall pay the regular bills minus the development charges. The said payment will be subject to further orders to be passed on the representation of petitioner.

Accordingly, the writ petition is disposed of. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

04.12.2017
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A.RAJASHEKER REDDY, J