

THE HON'BLE SRI JUSTICE M. SEETHARAMA MURTI

WRIT PETITION No. 24098 OF 2008

ORDER:

This writ petition, under Article 226 of the Constitution of India, is filed seeking the following relief:

“... to issue a Writ, Order or Direction(s) particularly one in the nature of Writ of Mandamus declaring the action of the Respondents herein in directing the Petitioner to switch over to H.T.Category from L.T.Category and demanding charges for the Petitioner's Service No.72 0621 000689 treating the service as H.T. category without disposing the Appeal Dated:25-06-2008 made by the Petitioner herein is illegal, arbitrary and without jurisdiction and consequently direct the Respondents herein to continue to collect the charges for the Petitioner herein under L.T. Category-III, and Pass such other Order or Orders as this Hon'ble High Court may deem fit, proper and necessary in the Circumstances of the Case.”

2. I have heard the submissions of Sri *P.R.Prasad*, learned senior counsel appearing for the petitioner, and of Sri *M.Ravindra*, learned Standing Counsel appearing for the respondents.

3. I have perused the material record.

4. The facts to be considered, in a nut-shell, are as follows:

The Petitioner-Rice Mill obtained a service connection under Category III-A with Service No.621/689 with a contracted load of 61.11 HP for running the Rice Mill. While so, during monthly reading taken on 25.05.2008, it was observed that the petitioner exceeded the contracted load by connecting an excess load of 17.06 HP to the total load of 78.17 HP; hence, the petitioner was requested to switch over to HT Category-I by issuing a notice dated 04.06.2008. On 25.06.2008, the petitioner made a representation to the second respondent stating that the petitioner is a small scale Industry and requested to keep its service in Category III-A. In the said

letter the petitioner promised that it will not exceed the directed load limit in future. The charges levied for that month were paid.

5. At the hearing, the learned counsel for the petitioner would submit that the writ petitioner intends to continue the service in Category III-A. Learned Standing Counsel, on instructions, also submits that at present the petitioner is maintaining the contracted load and for the said one month only the contract load was exceeded.

6. Though there are other averments in the writ petition and a counter is also filed by the second respondent, there is no need to dilate on any other aspects in view of the aforestated submissions and the subsequent events, and the petitioner can be permitted to continue the service under Category III-A without insisting upon the petitioner to switching over to HT Category-I as directed in the notice, dated 04.06.2008, of the third respondent.

7. Having regard to the facts and submissions, the Writ Petition is allowed in part, declaring the action of the respondents in directing the petitioner to switch over to HT Category from LT Category is uncalled for and without jurisdiction. However, it is made clear that the collection of charges from the petitioner for the said one month, during which the petitioner exceeded the contracted load, is valid.

As a sequel, the miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

JUSTICE M. SEETHARAMA MURTI

January 25, 2017
LMV