

HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

W.P.No.6918 of 2017

ORDER

This writ petition is filed for the following relief:

“...to issue a writ one in the nature of a Writ of Mandamus declaring the action of the respondents in re-categorising the petitioner's service connection from LT III (A-1) to LT II that is from industrial to commercial and further issuing a provisional assessment vide Lr.No.ADE/OP/BNR/D-XVI/C-VI/D.No.2957/17, dated 17.2.2017 for back billing purported to be on account of wrong categorization as arbitrary, illegal and contrary to the terms of General Terms and Conditions of Supply, provisions of Electricity Act, 2003, besides in violation of principles of natural justice and violation of petitioners rights guaranteed under Articles 14 & 19(1) (g) of the Constitution of India and consequently set-aside the provisional assessment dated 17.2.2017 issued by the 3rd respondent and pass such other order or orders as this Hon'ble Court may deem fit and proper in the interest of justice.”

When the matter is taken up for consideration, learned counsel on either side fairly concedes that in identical circumstances, this Court passed order on 30.08.2017 in W.P.No.29126 of 2017 and relevant portion of the order reads as under:

“In view of the above, the writ petition is disposed of with the consent of the counsel for the petitioner as well as counsel for the respondents by remanding the matter to the Consumer Grievances Redressal Forum of the respondents. It is open to the petitioner to submit its grievance in writing to the forum to the final assessment order issued by the respondents raising all pleas including the violation procedural requirements based on its activity within a period of thirty (30) days from the date of receipt of a copy of this order and on receipt of such complaint, it is open to the respondents to submit their defence before the concerned forum and after hearing parties, the concerned forum shall dispose of the same in accordance with law within a period of three months, after submission of defence by the respondents.

It is needless to observe that the payment of amount by the petitioner during the pendency of the proceedings before the concerned Consumer Grievances Redressal Forum shall be subject to the further orders passed by the said forum.”

In view of the same, the Writ Petition is disposed of in terms of the said order. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE A.RAMALINGESWARA RAO

