

THE HON'BLE SRI JUSTICE A.V. SSHA SAI

WRIT PETITION No.8642 of 2017

ORDER:

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

“to issue writ of mandamus questioning the action of 4th respondent in issuing Letter No.CGM /R7IA/GM/R/SAO/AAO/SA/D.No.129/17 dated 09.03.2017 rejecting the representation of the petitioner for grant of eight installments for payment of Current Consumption Charges demanded for the month of January, 2017 and non consideration of the representation of petitioner's representation dated 05.03.2017 for payment of C.C. charges for both months of January, 2017 and February, 2017 in installments as arbitrary, illegal, contrary to A.P. Electricity Regulatory Commission (Electricity Supply Code) Regulation 5 of 2004 and Clause 8.2.3 of the General Terms and Conditions of Supply and violative of the petitioner's rights guaranteed under Article 14 and 19(1)(g) of the Constitution of India.”

Heard, Sri Challa Gunaranjan, learned counsel for the petitioner and Smt.Jagarlamudi Koteshwari Devi, learned Standing Counsel appearing for respondents.

It is brought to the notice of this Court that in identical set of circumstances this Court disposed of W.P.No.17341 of 2016 granting instalments to the petitioner therein and a

copy of the same is also placed on record. Operative portion of the said order reads as under:

“However, having regard to the financial crisis in which the petitioner is placed in and in the interest of justice, the petitioner is directed to pay the due amount to respondents in six (06) equal monthly installments. It is needless to mention that the amount of Rs.25,00,000/- already paid by the petitioner shall be given credit. Petitioner shall pay the first installment on or before 24.06.2016. Till such time, respondents shall not disconnect the power supply to petitioner’s service connection bearing No.HT SC No.390/ONG. However, if the petitioner fails to pay the installments as directed by this Court, the respondents are at liberty to take appropriate action including disconnection of power supply to petitioner’s unit as envisaged under Section 56 of the Electricity Act. It is further made clear that granting of installments by this Court is subject to payment of interest by the petitioner as per the tariff order.”

In the instant case, the amount due is Rs.86,86,523/- and within one week from today the petitioner shall pay a sum of Rs.11,86,523/- and the rest of the amount shall be paid in five (05) equal monthly installments commencing from April, 2017. Petitioner shall pay the first installment on or before 20-04-2017 and the petitioner shall continue to pay the rest of the installments on or before 20th day of every succeeding month commencing from May, 2017. Till such time, respondents shall not disconnect the power supply to petitioner’s service connection bearing No.ONG-390. However,

it is made clear that in the event of the petitioner's failure to pay any one of the above installments, as indicated supra, within the time stipulated, the respondents are at liberty to take appropriate action including disconnection of power supply to petitioner's unit as envisaged under Section 56 of the Electricity Act. It is further made clear that granting of installments by this Court is subject to payment of interest by the petitioner as per the tariff order.

With the above direction, the writ petition stands disposed of. There shall be no order as to costs.

Miscellaneous Petitions pending consideration, if any, in the Writ Petition shall stand closed in consequence.

March 13, 2017

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A.V. SESA SAI, J

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