

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.763 OF 2018

ORDER :

This 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 demanding Cross Subsidy Surcharge on the power generated and consumed by the petitioner company within its plant purported to be under Section 42(2) of the Electricity Act, 2003 by Demand Notice Lr.No.SE/O/VZM/SAO/HT/JAO/Sr.Asst/D.No.135/17, Dt.23.12.2017 issued by the 2nd respondent as arbitrary, illegal, contrary to the Orders dated 19.11.2016 in OP.Nos.15&16 of 2016 and the provisions of Electricity Act, 2003 besides in violation of petitioners rights guaranteed under Art.14 & 19(1) (g) of the Constitution of India and consequently set aside the same and pass such other order or orders as this Hon'ble Court may deem fit and proper in the interest of justice.”

Heard learned counsel for the petitioner, who submits that the '*lis*' in the writ petition is squarely covered by the order dated 23.12.2016 passed by this Court in WP.No.42809 of 2016 and the same is not disputed by Sri M.Ravindra, learned Standing Counsel for respondents.

Recording the aforesaid submission of the learned counsel and the reasons alike in that writ petition, the writ petition is allowed and the impugned Demand Notice, dated 23.12.2017 is set aside granting liberty to the respondents to

pass appropriate orders after issuing notice and considering the objections filed by the petitioner. No order as to costs.

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

A.RAJASHEKER REDDY, J

05.01.2018
Nvl

