

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 23431 of 2018

ORDER:

This writ petition is filed for the following relief:

“....to issue a writ order or direction more in the nature of writ of mandamus declaring the action of the respondents in so far as it relates to including Rs.1,00,70,820/- as minimum charges while disconnection of 4 months w.e.f. 29.09.2014 till 01.05.2015 as arbitrary illegal discriminatory violating Articles 14 19 [1] [g] and 21 of the Constitution of India and issue consequential directions directing the respondent to adjust the amount of Rs.1,00,70,820/- which have already been paid for the disconnection 4 months w.e.f. 29.09.2014 till 01 05 2015 towards the future bills of SC No 574 duly disposing the petitioners representations dated 24 03 2015; 15 04 2015; 25 06 2015; 02 07 2017 respectively pending disposal of the writ petition.”

Petitioner unit established in 1999 was manufacturing various steel products with an independent feeder connection bearing No.VJA 574 of 33KV. Later, due to financial loss, the unit stopped production in 2014. While so, respondent authorities disconnected the service connection on account of non-payment of dues by the petitioner. Thereafter, the petitioner approached the respondent authorities seeking reconnection and the respondent authorities agreed to restore the power supply subject to the condition of the petitioner depositing earlier dues. Respondent No.3 addressed a letter, dated 22.04.2015, to the petitioner for payment of a sum of Rs.4,17,53,538/-, which includes Rs.1,00,70,820/- towards minimum charges for the period from 26.10.2014 to 26.01.2015, during which period, there

was no production. The petitioner made payment and sought waiver of the demand for the period there was no consumption of power supply, by way of representations, dated 24.03.2015, 15.04.2015, 25.06.2015 and 02.07.2017.

Learned counsel for the petitioner submits that the respondent Corporation had notified certain schemes for concession from time to time for revival of sick industries and therefore, the petitioner submitted the aforesaid representations to the respondents seeking waiver of the minimum charges which have been collected. She prays for a direction to the respondent authorities to consider the same in accordance with the existing schemes/rules/regulations.

Learned Standing Counsel for the respondent-Corporation while reiterating the averments in the counter-affidavit, submits that the minimum charges demanded by the respondents were in terms of the tariff agreement. She fairly submits that there would be no objection to the respondent-Corporation to consider the representations of the petitioner subject to the existing schemes/rules/regulations.

In view of the fair submission made by the learned Standing Counsel and since the representations are already pending consideration with the Corporation, the writ petition is disposed of with the direction to respondents 2 and 3 to consider

the representations stated to have been submitted by the petitioner and pass appropriate orders within a period of eight (8) weeks from the date of receipt of a copy of this order.

Miscellaneous petitions, if any, pending in this writ petition shall stand disposed of. There shall be no order as to costs.

CHALLA KODANDA RAM, J

Dt:07.02.2018
kdl

