

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.20853 OF 2018

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed by the petitioner seeking verbatim the following relief:

“to issue a writ, order or direction more particularly one in the nature of writ of Mandamus to declare the action on the part of the respondents in collecting LPF surcharges from the petitioner LT Category Industry vide Bills Dt. 14.5.2003 and 14.6.2003 and consequential letter issued by the 1st respondent vide Lr.No.SE/0/TPT/SAO/JAO/HT/J4/D.No2356/18 dt.14.5.2018 directing the petitioner to pay the arrears outstanding within 15 days from the date of the receipt of the letter amounts to erroneous, arbitrary and violative of Article 14 and 21 of the Constitution of India besides being violative principles of natural justice, unjust enrichment and may be pleased to set aside the same, and consequently direct the respondents not to disconnect the power supply of the petitioner's industry namely M/s. Iswarya Granites, Mutharapalle (V) Kukkalapalli Post, Yadmarri Mandal, Chittoor District and to pass necessary order or orders as this Hon'ble Court may deem fit.”

2. I have heard the submissions of Sri T.C.Krishnan, learned counsel for the petitioner, and of Sri N.Siva Reddy, learned Standing Counsel appearing for the respondents. I have perused the material record.

3. Having regard to the submissions of the learned counsel for the petitioner and the learned Standing Counsel, and the order, dated 18.07.2017, of this Court in W.P.No.6227 of 2008, this Court is of the considered view that the proceedings impugned in this writ petition deserve to be set aside and the matter requires to be remitted to the authority concerned for fresh consideration.

4. It is apt to note the operative portion of the said order, which reads as under:

‘For the aforesaid reasons, the writ petition is allowed, setting aside the letter bearing No.SE/O/TPT/SAO/JAO-HT/D.No.1387/08, dated 20.02.2008, of the first respondent, and the matter is remitted to the first respondent for fresh consideration in accordance with law, and for passing appropriate orders after giving opportunity of hearing to the petitioner and by considering the letter No.DE/O/CTR/AE.Coml.2/D.No.5766/03, dated 26-7-2003, of the Divisional Engineer, Operation, Chittoor. Till the said exercise attains finality, the interim order passed by this Court on 25.03.2008 in WPMP.No.8120 of 2008 shall continue to operate.’

4. Accordingly, the Writ Petition is allowed as prayed for. However, this order shall not preclude the authority concerned to follow the directions in the afore-stated order of this Court and take fresh action in the matter in accordance with the procedure established by law. As a sequel to this order, the power supply to the petitioner’s industry shall be continued till a fresh decision is taken by the authority as stated supra. It is needless to state that the petitioner shall have liberty to assail such fresh decision in the event it feels aggrieved of the same. There shall be no order as to costs.

Miscellaneous Petitions pending, if any, in this Writ Petition shall stand closed.

JUSTICE M.SEETHARAMA MURTI

Date: 21.06.2018
AMD

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