

HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

TUESDAY, THE TWENTY THIRD DAY OF APRIL TWO THOUSAND AND NINETEEN

:PRESENT:
THE HONOURABLE SRI JUSTICE T. AMARNATH GOUD

IA No. 1 OF 2019
IN
WP NO: 22503 OF 2005

**Between:**

Kakatiya Educational Institutions of Pragati Educational Society, D.No.5-6-570/3G, Pragati Nagar, Nizamabad-503002, TS-503002 rep. by its Treasurer Sri Ch. Rajani Babu alias Ch. Ranjikanth...

...Petitioner

(Petitioner in WP 22503 OF 2005
on the file of High Court)

AND

1. Northern Power Distribution Company TS Ltd Cooperative Office, Vidyut Bhavan, Nakkalgutta, Hanamkonda, Warangal, Rep. by its Chairman and Managing Director,
2. Superintending Engineer, Operation Circle, APNPDCL, Nizamabad Circle, Telangana.
3. The Asst. Accounts Officer, Northern Power Distribution Company of T.S. Limited, Electricity Revenue Office, Nizamabad Town, Nizamabad, Telangana.

...Respondents

(Respondents in-do-)

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to extend the time for submission of objections to the notice issued by the 3rd respondent dt. 25.2.2019 till dt. 23.3.2019, modifying the order dated 26.11.2018 passed in W.P.No.22503 of 2005 by setting aside the Lr.No. AAO/ERO/Town/NZB/JAO/Adm./D.No.1498/18-19, dt. 18.03.2019 issued by the 3rd respondent, pending disposal of WP No. 22503 of 2005, on the file of the High Court.

WPMP.No.28827 of 2005:

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to stay the collection of LT Category II Tariff from the Petitioner in respect of Service Connection Nos.N2-30727, N2-31067, N2-55342 and N2-66112 and direct the Respondents to continue to charge treating them as LT Category VII, pending disposal of WP No. 22503 of 2005, on the file of the High Court.

I.A.No.1 of 2019:

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to extend the time for submission of objections to the notice issued by the 3rd respondent dt. 25-02-2019 till 23-03-2019, modifying the order dated 26-11-2018 passed in W.P.No.22503 of 2005 by setting aside the Lr.No.AAO/ERO/Town/NAB/JAO/Adm./D.No.1498/18-19, dtl. 18-03-2019 issued by the 3rd respondent, pending disposal of WP No. 22503 of 2005, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and the order of the High Court dated 18-10-2005 made in W.P.No.22503 of 2005 and 24-10-2005 made in WPMP.No.28827 of 2005 and upon hearing the arguments of Sri Challa Gunaranjan, Advocate for the Petitioner and Sri Zakir Ali Danish, Advocate for the Respondents, the Court made the following

ORDER:

This application is filed by the petitioner seeking to direct the respondents 1 to 3 not to take any coercive steps including disconnection of petitioner's service connections vide Nos.N2-30727, N2-31067, N2-55342 and N2-66112 in pursuance of the proceedings vide Lr.No.AAO/ERO/Town/NZB/JAO/Adm./D.No.1498/18-19, dated 18.03.2019, issued by the 3rd respondent and the present application is filed in pursuance of the observations made at para 6 of the order, dated 28.03.2019, in W.P.No.6293 of 2019, seeking extension of time to comply with the proceedings, as by afflux of time the earlier time granted for submitting its objections is elapsed.

Heard.

Mr. Zakir Ali Danish, learned Standing Counsel appearing for the respondents contends that the petitioner, according to the department, is liable to pay a huge sum and it cannot be permitted to pay the amount by extending the time.

On the other hand, learned counsel appearing for the petitioner represents that since the petitioner is a non-profitable educational institution, it is entitled for the benefit under the service connections as a charitable institution and non-profitable educational institution, etc., and therefore, it need not pay the demanded amounts.

Without going into the contradictions and the disputed questions of fact, this Court feels that it would be just and proper if the time is extended by six (06) weeks from today on condition that the petitioner deposits a sum of Rs.5,00,000/- with the respondent.

Accordingly, the IA is ordered directing the petitioner to deposit a sum of Rs.5,00,000/- (Rupees five lakhs only) within a period of six (06) weeks from today. It is needless to observe that the amount of Rs.5,00,000/- will be under protest and in the event if the petitioner is entitled for refund, the same shall be adjusted under the concerned categories.

//TRUE COPY//

Sd/- N.PURUSHOTHAM REDDY
ASSISTANT REGISTRAR

For ASSISTANT REGISTRAR

To,

1. The Chairman and Managing Director, Northern Power Distribution Company TS Ltd Cooperative Office, Vidyut Bhavan, Nakalgutta, Hanamkonda, Warangal.
2. Superintending Engineer, Operation Circle, APNPDCL, Nizamabad Circle, Telangana.
3. The Asst. Accounts Officer, Northern Power Distribution Company of T.S. Limited, Electricity Revenue Office, Nizamabad Town, Nizamabad, Telangana. (1 to 3 By RPAD)
4. One CC to SRI Challa Gunaranjan, Advocate [OPUC]
5. One spare copy

HIGH COURT

TA,J

DATED:23/04/2019

ORDER

**I.A.NO.1 OF 2019
IN
WP.No.22503 of 2005**

DIRECTION

