

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.21383 of 2004

O R D E R:

Letter, dated 11.11.2004, issued by the Superintending Engineer, Operation Circle, Southern Power Distribution Company of Andhra Pradesh, Tirupati (for short 'the Distribution Company'), is challenged in this writ petition.

Petitioner-Sri Venkateshwara Cot-Text Mills Private Limited asserts that it became sick in 2003 and between the period 01.04.2003 and 30.11.2003, the unit was closed, however, notices were issued by the Distribution Company demanding it to pay minimum charges; that on account of G.O.Ms.No.359, Industries and Commerce (IP) Department, dated 25.06.2001, it desired to revive the unit and accordingly, approached the Commissioner of Small Scale Industries seeking benefit under the above said G.O; that in the 19th Meeting of the Andhra Pradesh Small Scale Industries Revival Scheme held on 19.07.2004, the Commissioner waived the minimum charges to be payable by the petitioner for the period during which the unit was closed; that immediately thereafter, it had taken steps for revival of the unit; that while so, on 10.08.2004, *vide* Memo No.Dir.(Finabce)CGM (Prog)/D.No.385/4, the Distribution Company had in fact approved waiving the balance amount towards monthly minimum charges payable by it from 01.04.2003 to 30.11.2003; that in

spite of the same, the Distribution Company demanded it to pay the entire charges amounting to Rs.7,27,904/- inclusive of the minimum charges for the period from 01.04.2003 to 30.11.2003; and that as the Distribution Company had disconnected the power supply on 01.05.2004, it paid a sum of Rs.1,53,492/- on 12.05.2004 and thereafter, a sum of Rs.1,53,142/- on 14.06.2004, in all, the Distribution Company collected Rs.2,69,128/- towards minimum charges in contravention of the terms of the above said G.O. Hence, this Writ Petition.

Sri M.Srinivas, learned counsel attached to the Office of Sri N.Ramachander Rao, learned counsel for the petitioner, reiterates the averments mentioned in the writ affidavit.

Learned Standing Counsel for the respondents submits that appropriate orders may be passed.

Having considered the respective submissions and there being no dispute with respect to the waiver of minimum charges in terms of G.O.Ms.No.359, dated 25.06.2001, and in view of the A.P. Small Scale Industries Revival Scheme, the writ petition is allowed directing the respondents to refund the excess amount collected towards minimum charges for the period from 01.04.2003 to 30.11.2003 to the petitioner by way of cash/cheque or adjustment in the future monthly consumption charges, within a

period of six weeks from the date of receipt of a copy of this order.

Miscellaneous Petitions, if any pending shall stand disposed of. There shall be no order as to costs.

CHALLA KODANDA RAM, J

Dt:01.11.2018
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