

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.7910 OF 2016

DATED :22.11.2018

Between :

M/s. Sitaram Spinners (P) Ltd., (S.C.No.MDK 1061),
5-4-83, M.G.Road, 2nd floor, Rama Towers,
Secunderabad, rep., by its Director,
Mr. Pramod Agarwal S/o.M.L.Agarwal,
Aged about 51 yrs, R/o.1-8-673,
Azamabad Industrial Area, Hyderabad.

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Petitioner

And

The Telangana Electricity Regulatory Commission,
5th floor, Singareni Bhavan,
Red Hills, Lakidikapool, Hyderabad-04,
Rep., by its Registrar & others.

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Respondents



This court made the following :

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ORDER :

Heard learned counsel for the petitioner, Sri J.Ashvini Kumar, learned Standing counsel for Respondent No.1 and learned Advocate General (TG) for Sri R.Vinod Reddy, learned Standing counsel for respondents 2 to 4.

2. In this writ petition, petitioner challenges the order dated 27.03.2015 passed by the Telangana Electricity Regulatory Commission, in O.P.No.76 of 2015 determining cross subsidy surcharge under Sections 39, 40 and 42 of the Electricity Act, 2003 for HT-I Industrial Segregated category open access consumers in 11 kV, 33 kV and 132 kV categories respectively. Petitioner also challenged the demand for surcharge contained in revised C.C. bills issued.

3. This very issue has come up for consideration before this Court in W.P.Nos.26609 and 26623 of 2015. The learned Single Judge, by order dated 29.10.2018, set aside the order of Telangana Electricity Regulatory Commission dated 27.03.2015 and allowed the writ petitions. Fixation of cross-subsidy surcharge for HT-1 Industry General category for 33 kV supply at the rate of Rs.1.29 ps. is declared as contrary to law, arbitrary, unsustainable; and held that the cross-subsidy surcharge for HT-1 Industry General for 33 kV supply is Rs.0.30 ps per Kwh as was sought by the Discom for the financial year 2015-16. This Court consequently declared the demands raised

by the Discoms on the petitioners on the basis of the order dated 27.03.2015 passed by the Commission as illegal and sets aside.

4. In this writ petition petitioner is consumer of 33 kV. For 33 kV the proposed demand made by the Discom was Rs.0.30 ps, whereas, the Regulatory Commission fixed at Rs.1.29 ps.

5. Following the decision of learned Single Judge of this Court, this Writ Petition is also allowed. The respondent-Discom is directed to levy only Rs.0.30 ps for 33 kV.

6. At this stage, learned counsel for the petitioner would submit that the petitioner has deposited higher amount quantified by the Regulatory Commission and the said amount should be adjusted in future bills, by taking into consideration the amount suggested by the Discom. The said request is accepted.

7. Having regard to the above, if, the petitioner has deposited higher amount demanded by the Discom, the amount shall be adjusted in future bills as per the proposal given by the Discom to the Regulatory Commission and as discussed above. Pending miscellaneous petitions shall stand closed.

P.NAVEEN RAO,J

22nd November, 2018
Rds