

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

W.P. No.11558 of 2016ORDER:

Though the Distribution Company proposed an amount of 30 paise in respect of HT-I Industrial Segregated Category of 33 KV, the A.P. Electricity Regulatory Commission required higher tariff, i.e., Rs.1.29P. Questioning the same, this writ petition is filed.

2. In similar matters, viz., W.P.Nos. 26609 and 26623 of 2015, the learned Single Judge of this Court, 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 shall be restricted to 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.

3. In this writ petition, petitioner is a consumer of 33 kV electricity supply. 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. Principle laid down therein would apply to the above categories of consumers.

4. 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.

5. 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. 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.

Date: 27.11.2018
DMG

P.NAVEEN RAO, J

