

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.46732 OF 2018

Date: 26.12.2018

Between :

M/s. Sanghi Spinners India Limited,
Sanghi Nagar, Koheda Village,
R.R.district, rep.by its Dy.General Manager-
Accounts.

..... Petitioner

And

Southern Power Distribution Company of
Telangana State Limited, rep.by its Managing
Director, Vidyut Soudha, Hyderabad and
another.

.... Respondents



This Court made the following:

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ORDER:

In the year 2013, there were huge power shortages resulting in power fluctuations also. In view of the same, the Electricity Regulatory Commission resorted to apply certain restrictions and control measures. The restriction and control measures require payment of bills based on Contracted Maximum Demand (CMD), but not as per actual consumption. The contracted demand was 8000 KVA for petitioner. In terms thereof, bill was raised against the petitioner. Challenging the same, petitioner filed W.P.No.30902 of 2013. Court was informed that similar cases instituted before this Court were disposed of, granting liberty to petitioners to make representations for reducing the demand, if petitioners agree to deposit 50% of the amount demanded. Following the earlier directions issued, Writ Petition No.30902 of 2013 was also disposed of directing the petitioner to deposit 50% of the demand raised on him and to make representation for consideration for reducing the amount demanded. Petitioner neither deposited the amount as directed nor made representation and, therefore, earlier demand became final. On review of amounts due from various companies, when it was noticed that the amount due from the petitioner was not paid, by letter dated 09.08.2018, the Superintending Engineer – Operation, Saroornagar Circle, directed the petitioner to pay balance amount payable after the amounts already adjusted by him and also demanded to pay surcharge quantified at 24,88,563/-.

2. However, learned counsel for petitioner sought to contend that in terms of the directions issued by this Court, several companies were granted rebate in payment and after applying the rebate from the amount demanded by the Andhra Pradesh Electricity Regulatory Commission, amount paid by the petitioner is sufficient, but the same was not recognized and no rebate is granted to the petitioner and therefore present demand is illegal. Having regard to the fact that order of this Court was not complied no equities would accrue to the petitioner at this stage to claim that the amount demanded is not valid. At this stage, learned counsel for petitioner fairly submits that if some installments are granted, it would suffice the interest of petitioner.

3. Learned standing counsel would submit that as the amount is due for long time, petitioner is not entitled to any concession and amount has to be paid immediately.

4. Having regard to the fact that this demand was made after long time, Court is inclined to consider the request of petitioner's counsel to grant installments in making payment and also grant liberty to petitioner to make a representation to reduce the surcharge amount demanded. Petitioner is directed to pay 50% of the amount from out of 43,65,900/- within three weeks from today. The balance amount shall be paid in two installments within one month thereafter. Petitioner shall make a representation within two weeks requesting the competent authority to reduce surcharge amount demanded. Subject to decision on the request for reduction of surcharge, the petitioner shall pay the amount quantified or reduced within a period of two

weeks from the date of communication of the decision. Writ
Petition is disposed of. Pending miscellaneous petitions shall
stand closed.

JUSTICE P.NAVEEN RAO

Date: 26.12.2018
Kkm



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