

THE HONOURABLE SRI JUSTICE T.AMARNATH GOUD

W.P.No. 40024 of 2016

ORDER:

Heard learned counsel for the petitioner and Sri R.Vinod Reddy, learned Standing counsel for Telangana State Southern Power Distribution Company Limited.

In this writ petition, the order passed by the Telangana State Electricity Regulatory Commission, in O.P.No.6 of 2016, dated 23.06.2016.

In W.P.Nos.36090 and 36103 of 2016 the very same order was challenged. On detail consideration of the matter, the learned Single Judge of this Court by order dated 31.08.2018, allowed the writ petitions, Paragraph No.35 of the order reads as under:

“Accordingly, the Writ Petitions are allowed; the order dated 23.06.2016 passed by the Telangana Electricity Regulatory Commission in O.P.No.6 of 2016 is set aside; the Commission is directed to provide a hearing to the petitioner and to the Federation, consider their objections to the levy of cross-subsidy surcharge proposed by the 2nd respondent for Financial year 2016-17, and then pass a fresh reasoned order after considering all the objections contained in the objection petition dated 29.03.2016 filed by the said Federation within two (02) months from the date of receipt of copy of this order. Adjustments/refund of the levy towards cross-subsidy surcharge which are already collected from the petitioner shall be done by the 2nd respondent depending on the fresh order it would pas. No order as to costs.”

Learned counsel for the petitioner and learned standing counsel representing the respondent company agree that the subject matter of the writ petition is covered by the said decision.

Following the said decision, this writ petition is also allowed. The order in O.P.No.6 of 2016 is set aside. The Regulatory Commission is directed to provide hearing to the petitioner and to

the Federation of Telangana and Andhra Pradesh Chambers of Commerce and Industry, consider their objections to the levy of cross-subsidy surcharge proposed by the 2nd respondent for the financial year 2016-17 and pass a fresh reasoned order after considering all the objections contained in the objection petition filed by the Federation of Telangana and Andhra Pradesh Chambers of Commerce and Industry, within two (2) months from the date of receipt of copy of this order. Adjustments/refund of the levy towards cross-subsidy surcharge which are already collected from the petitioner shall be done by the 2nd respondent depending on the fresh order it would pass. No costs.

Miscellaneous petitions, if any, pending in this petition shall stand closed.

01.05.2019
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T. AMARNATH GOUD, J