

THE HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.6293 OF 2019

DATED :28.03.2019

Between :

M/s.Kakatiya Educational Institutions of
Pragati Educational Society,
D.No.5-6-570/3G, Pragati Nagar,
Nizamabad, TS-503 002,
Rep., by its Treasurer,
Sri Ch.Rajani Babu alias Ch.Rajnikanth.

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Petitioner

And

Northern Power Distribution Company TS Ltd.,
Corporate Office, Vidyut Bhavan,
Nakkalagutta, Hanamkonda,
Warangal,
rep., by its Chairman and Managing Director & others.

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Respondents

This court made the following :

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ORDER :

Heard learned counsel for the petitioner and learned Standing counsel for Respondents.

2. Petitioner was granted LT Category VII service connection in the year 2005. The said category was changed to LT Category II and bill was generated in the said manner. Challenging generation of bill in a different category on three service connections, petitioner filed W.P.No.22503 of 2005. The said writ petition was disposed of on 26.11.2018, upholding the power of respondent-company to change the category retrospectively also. However, the Court having found that the Category was changed without prior notice and opportunity, held the change of category as not valid and issued further directions. The Court directed to issue notice to the petitioner against the proposed change of classification. On issuance of such notice, petitioner was granted two weeks time to file his objections. If such objections are filed, the company was directed to examine the objections and to pass orders.

3. Pursuant to the directions of this Court, on 22.01.2019 notice was issued assigning reasons for change of LT Category VII to LT Category-II. Petitioner did not file explanation within two weeks after receipt of notice. As no explanation was offered, final orders are passed on 18.03.2019 determining the liability

on petitioner by changing the category of service connections as II instead of VII.

4. This order is challenged primarily on the ground that there was no opportunity to the petitioner before changing the category.

5. According to learned counsel, during this period, the Treasurer as well as the Secretary/Correspondent of the petitioner institute was seriously sick and were in Hyderabad. Therefore, they were not aware of the notice issued and could not respond to the notice within the time granted by the Court. Petitioner therefore, seeks further direction to consider his explanation and to pass orders afresh.

6. No such relief, as sought for, can be granted, having regard to the time schedule prescribed by this Court in W.P.No.22503 of 2005, in an independent writ petition and this Court cannot modify the directions issued therein. Therefore, as petitioner did not file the explanation within the time granted, final orders are passed fixing the liability by changing the category and it cannot be held as illegal. If petitioner has genuine grievance for not filing the explanation within the time granted by the Court, petitioner could have filed appropriate application in the said writ petition for extending the time fixed in clause 2 of the operative portion of the order.

7. Thus, granting liberty to petitioner to seek appropriate relief as available in law with reference to extension of time to

file explanation, this Writ Petition is dismissed. Pending miscellaneous petitions, if any, shall stand closed.

P.NAVEEN RAO,J

28th March, 2019
Rds

