

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.14612 of 2019

ORDER:

This writ petition is filed challenging the proceedings in Lr.No.SE/OP/SGR/SAO/HT/D.No.157/2019, dated 17-06-2019 wherein and whereby, the petitioner was asked to pay an amount of Rs.5,87,10,600.00 (Five Crore Eighty Seven Lakh Ten Thousand Six Hundred only) on account of deemed energy charges for Financial year 2018-2019, otherwise service connection of the petitioner would be disconnected without any further notice.

Learned counsel for the petitioner submits that Tariff order dated 27-03-2018 contained in OP.No.21 of 2017 provides deemed consumption charges can be calculated only annual basis not on monthly basis as per Clause 7.131 of Tariff order, but the respondent-authorities have calculated for four months during the year 2018-19 and issued impugned order, which is in violation of Tariff order for the Financial year 2018-19. It is also submitted that petitioner's unit power connection was restored on 19-01-2019. Pointing out the said lapse in the impugned order, the petitioner made representation on 01-07-2019 to the 2nd respondent. He also submits that without passing any orders, respondents are threatening to disconnect the power supply.

Heard Sri R.Vinod Reddy, learned Standing Counsel for respondents 2 and 3.

In this case it is to be seen that Clause 7.131 of conditions of Tariff order dated 27-03-2018 in OP.No.21 of 2017 is relevant and which reads as follows:

“Guaranteed energy off-take at 6,701 kVAh per kVA per annum on Average Contracted Maximum demand or Average Actual Demand, whichever is higher. The energy falling short of 6,71 KvAh per kVA per annum will be billed as deemed consumption. This shall be calculated on annual basis and not on a monthly basis and disconnection periods shall be exempted while computing the minimum off-take energy.”

Prima facie, it goes to show that deemed notice can be issued only on annual basis, but the impugned notice goes to show that deemed charges have been calculated for four months period. Since the petitioner has already made representation on 01-07-2019 to the 2nd respondent, the 2nd respondent to consider the said aspect and dispose of the representation filed by him within a period of two weeks from the date of receipt of a copy of this order after issuing notice to the petitioner and granting opportunity of hearing to him. Till disposal of said representation, no coercive steps will be taken in respect of impugned notice. However, the petitioner shall pay regular bills and other charges.

Accordingly, the writ petition is disposed of. As a sequel to the disposal of this petition, miscellaneous petitions, if any, pending shall stand closed.

A.RAJASHEKER REDDY,J

16-07-2019
Nvl



