

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.20767 of 2019

ORDER:

This writ petition is filed challenging the order in Case No.DPE/MDK/4812/19, dated 06-07-2019 wherein and whereby the liability of 1st petitioner for payment of energy charges is fixed at Rs.4,00,898/-.

Learned counsel for the petitioners submits that the 1st petitioner was issued show-cause notice dated 31-01-2019 and the 1st petitioner filed explanation 27-03-2019, which was duly acknowledged by the respondents. But without considering the same, the impugned order is passed as if the 1st petitioner has not filed any explanation. He also submits that this Court also passed orders on 12-07-2019 to consider the representation of the 1st petitioner, but in ante-date the impugned order is passed, which is in violation of principles of natural justice.

Sri R.Vinod Reddy, learned Standing Counsel for respondents supported the impugned order.

In this case, it is to be seen that admittedly the 1st petitioner was issued show-cause notice and he filed explanation on 27-03-2019 after receipt of show-cause notice. But there is no reference of the explanation filed by the 1st petitioner in the impugned order though the same is stated to be passed on 06-07-2019, which goes to show that the same is in violation of principles of natural justice.

In view of the same, only on the ground of violation of principles of natural justice, the impugned order is set aside. The respondents are directed to consider the explanation of the 1st petitioner dated 27-03-2019 and pass orders, after affording an opportunity of hearing to the petitioners.

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

23-09-2019
Nvl

A.RAJASHEKER REDDY,J



