

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 27018 of 2019

ORDER:

This Writ Petition is filed questioning the action of the fifth respondent – Assistant Engineer, Telangana State Southern Power Distribution Company Limited (TSSPDCL), Bibinagar, Yadadri-Bhongir District, with respect to disconnection of power supply to the petitioner unit on the ground that it had not obtained license in terms of the Rules notified in G.O.Ms.No.55, Environment, Forests, Science & Technology (For.I) Department, dated 26.09.2016.

It is the assertion of the petitioner unit that it was started in 1995 and from time to time, it has been obtaining necessary permits and licenses from the departments concerned. It is further asserted that pursuant to its application dated 16.05.2011 for grant of licence, the second respondent – Principal Chief Conservator of Forests, Hyderabad, vide letter dated 01.10.2013, issued directions to the third respondent – District Forest Officer, Yadadri-Bhongir District, for grant of license to it and for complying with the recommendation made by the State Level Committee and thereafter, the respondent authorities directed it to deposit a sum of Rs.27,000/- apart from Rs.5,000/- towards

security deposit and the same was deposited by it on 27.01.2014. It is also asserted that though it had complied with all necessary requirements, as stated by it in its letter dated 27.01.2014, no license has been issued to it, however, it is entitled to run under the provisions of the Telangana Saw Mill (Regulation) Rules, 1969, and is running all through.

Sri R. Vinod Reddy, learned Standing Counsel for TSSPDCL appearing for the fifth respondent, submits that power supply to the petitioner unit has been disconnected on account of the instructions issued by the Forest Department.

Learned Government Pleader for Forests appearing for respondent Nos.1 to 4, on instructions, would submit that governing the grant of permission to run an industry, the Government issued G.O.Ms.No.55, Environment, Forests, Science & Technology (For.I) Department, dated 26.09.2016, notifying the Telangana Wood Based Industries (Regulations) Rules, 2016 (for short 'the Rules'), duly repealing the Telangana Saw Mill (Regulation) Rules, 1969, and that the petitioner unit was recommended for grant of license, but, it had not chosen to submit any application therefor. She would also submit that Rule 13 of the Rules empowers the authorities concerned for

disconnection of power supply, as running of an industry without license is an illegality.

It is to be noted that as a matter of fact, as of date, the petitioner has neither applied for license nor obtained any license as required under the Rules, as such, the contention of the learned counsel for the petitioner that the petitioner unit was deemed to have been granted permission cannot be accepted. Though the learned counsel for the petitioner had repeatedly submitted that the petitioner unit is running since 1995, the same is not denied by the respondents. The fact of the matter is that after the Rules coming into force with effect from 26.09.2016, there is no license obtained by the petitioner. It is to be noted further that as the petitioner unit was running without obtaining any license and as specifically, Rule 16 of the Rules empowers the Divisional Forest Officer to issue instructions to the concerned for disconnecting the power supply, the action of the fifth respondent cannot be found fault with. It is also to be noted that the petitioner has not challenged the Rules, particularly Rule 13, which empowers the Divisional Forest Officer to issue such instructions. As the instructions are issued under a statutory rule, DISCOMs would not have any other choice except to implement the directions issued by the Forest Department.

In those circumstances, this Court does not find any merit in this Writ Petition.

Accordingly, this Writ Petition is dismissed. However, it is open for the petitioner to submit an application in terms of the Rules. Thereupon, the authority concerned shall consider the same as expeditiously as possible.

Miscellaneous applications, if any pending, shall also stand dismissed. There shall be no order as to costs.

9th DECEMBER, 2019.

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CHALLA KODANDA RAM, J

