

**THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM**

**WRIT PETITION No. 6109 of 2016**

**ORDER:**

This Writ Petition is filed for the following relief:

“....to issue a writ or order or direction more particularly one in the nature of Writ of Mandamus declaring the order dated 27.03.2015 in O.P. No.76/2015 of the 1<sup>st</sup> respondent as highly illegal, arbitrary, unjust, irrational and violative of principles of natural justice and contrary to Sections 26 of the A.P. Electricity (Reforms) Act, 1998 and Sections 3, 61, 62 and 86 of the Electricity Act, 2003 and Regulation No.45-A of the A.P. Electricity Regulatory Commission (Conduct of Business) Regulation, 2000 and also violative of Articles 14, 19(1)(g), 21, 265 and 300-A of the Constitution of India and consequently, set aside the same in so far as the petitioner is concerned.”

When the matter is taken up, it is submitted by the learned counsel for the petitioner that the issue raised in the present Writ Petition is squarely covered by the common order dated 29.10.2018 passed by this Court in W.P.Nos.26609 and 26623 of 2015.

Sri R. Vinod Reddy, learned Standing Counsel for Telangana State Southern Power Distribution Company Limited appearing for the respondents does not dispute the aforesaid submission.

Operative portion of the aforesaid order reads as under:

“In this view of the matter, the writ Petitions are allowed and the order dt.27-03-2015 of the Commission in so far as fixation of the cross-subsidy surcharge for HT-1 Industry General category for 33 kV supply is declared as contrary to the law, arbitrary, unsustainable and is accordingly set aside; and the cross-subsidy surcharge for HT-1 Industry General category for 33 kV supply is declared as Rs.0.30 ps per Kwh as was sought by the Discom for the financial year 2015-16. Consequently, the demands raised by the Discom on the petitioners on the basis of the order dt.27-03-2015 passed by the Commission are declared illegal and are also set aside.”

In those circumstances, following the above said common order and for the reasons recorded therein, this Writ Petition is also allowed in terms thereof.

Miscellaneous Petitions, if any pending, shall stand disposed of. There shall be no order as to costs.

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**CHALLA KODANDA RAM, J**

26<sup>th</sup> DECEMBER, 2019.

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