

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION Nos.39590, 39629 & 39632 OF 2016

DATED :14.02.2019

W.P.No.39590 of 2016 :

Between :

M/s.Scan Energy & Power Limited
(Service Connection bearing No.MBN-890)
Work, Survey Nos.34, 35 & 36
Kondurg Village, Mahaboobnagar District
Telangana State, rep., by its
Chief Executive Officer
Chiranjib Das

.. Petitioner

And

The Telangana State Electricity Regulatory Commission,
Rep., by its Managing Director, Singareni Bhavan,
Red Hills, Hyderabad & others.

.. Respondents

This court made the following :

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COMMON ORDER :

Heard learned counsel for the petitioners, Sri J. Aswini Kumar, Standing counsel for Telangana State Electricity Regulatory Commission and Sri R.Vinod Reddy, learned Standing counsel for Telangana State Southern Power Distribution Company Limited.

2. In all these writ petitions, the order passed by the Telangana State Electricity Regulatory Commission, in O.P.No.6 of 2016 dated 23.06.2016 is challenged.

3. In W.P.Nos.36090 and 36103 of 2016 the very same order was challenged. On detail consideration of the matter, the learned Single Judge of this Court by order dated 31.08.2018, allowed the writ petitions. Paragraph No.35 of the order reads as under:

“Accordingly, the Writ Petitions are allowed; the order dt.23.06.2016 passed by the Telangana Electricity Regulatory Commission in O.P.No.6 of 2016 is set aside; the Commission is directed to provide a hearing to the petitioner and to the Federation, consider their objections to the levy of cross-subsidy surcharge proposed by the 2nd respondent for Financial year 2016-17, and then pass a fresh reasoned order after considering all the objections contained in the objection petition dt.29.03.2016 filed by the said Federation within two (02) months from the date of receipt of copy of this order. Adjustments/refund of the levy towards cross-subsidy surcharge which are already collected from the petitioner shall be done by the 2nd respondent depending on the fresh order it would pass. No order as to costs.”

4. Learned counsel for the petitioners and learned standing counsel representing the respondent Company agree that the

subject matter of the writ petitions is covered by the said decision.

5. Following the said decision, these writ petitions are also allowed. The order in O.P.No.6 of 2016 is set aside. The Regulatory Commission is directed to provide hearing to the petitioners and to the Federation of Telangana and Andhra Pradesh Chambers of Commerce and Industry, consider their objections to the levy of cross-subsidy surcharge proposed by the 2nd respondent for the financial year 2016-17 and pass a fresh reasoned order after considering all the objections contained in the objection petition dated 29.03.2016 filed by the Federation of Telangana and Andhra Pradesh Chambers of Commerce and Industry, within two (2) months from the date of receipt of copy of this order. Adjustments/refund of the levy towards cross-subsidy surcharge which are already collected from the petitioners shall be done by the 2nd respondent depending on the fresh order it would pass. Pending miscellaneous petitions shall stand closed.

14th November, 2019
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P.NAVEEN RAO,J