

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

**WRIT PETITION Nos.350, 3022, 3023, 3295, 3897, 5948,
6323, 6904, 7543, 7932, 8164, 8789 and 9617 of 2016**

DATED :04.02.2019

W.P.No.350 of 2016

Between :

M/s.Rajvir Industries Limited,
(Service Connection bearing No.MBN-316)
Pillalamarri, Mahaboobnagar,
Mahaboobnagar District, rep. by its
Chairman, U.K.Agarwal.

..

Petitioner

And

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

..

Respondents

This court made the following :

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COMMON ORDER :

Heard learned counsel for the petitioners, Sri J.Ashwin Kumar, learned Standing counsel for Respondent No.1 and learned Advocate General (TG) for Sri R.Vinod Reddy, learned Standing counsel for respondents 2 to 4 in all the writ petitions.

2. Learned counsel for the petitioners submits that the subject matter of these writ petitions is squarely covered by the earlier order dated 19.11.2018, passed by this Court in WP.Nos.27841 of 2016 and batch.

3. In all these writ petitions, petitioners challenge the order dated 27.03.2015 passed by the Telangana Electricity Regulatory Commission, in O.P.No.76 of 2015 determining cross subsidy surcharge under Sections 39, 40 and 42 of the Electricity Act, 2003 for HT-I Industrial Segregated category open access consumers in 11 kV, 33 kV and 132 kV categories respectively. They also challenged the demand for surcharge contained in revised C.C. bills respectively issued.

4. This very issue has come up for consideration before this Court in W.P.Nos.26609 and 26623 of 2015. The learned Single Judge, by order dated 29.10.2018, set aside the order of Telangana Electricity Regulatory Commission dated 27.03.2015 and allowed the writ petitions. Fixation of cross-subsidy surcharge for HT-1 Industry General category for 33 kV supply at the rate of Rs.1.29 ps. is declared as contrary to law,

arbitrary, unsustainable; and held that the cross-subsidy surcharge for HT-1 Industry General for 33 kV supply is Rs.0.30 ps per Kwh as was sought by the Discom for the financial year 2015-16. This Court consequently declared the demands raised by the Discoms on the petitioners on the basis of the order dated 27.03.2015 passed by the Commission as illegal and sets aside.

5. In these writ petitions petitioners are consumers of 33 kV, 11 kV and 132 kV electricity supply. For 33 kV the proposed demand made by the Discom was Rs.0.30 ps, whereas, the Regulatory Commission fixed at Rs.1.29 ps; for 11 kV the proposed demand made by the Discom was Rs.1.13 ps whereas the Regulatory Commission fixed at Rs.2.07 ps; and for 132 kV the proposed demand made by the Discom was Rs.0.11 ps whereas the Regulatory Commission fixed as Rs.0.93 ps.

6. Following the decision of learned Single Judge of this Court, these Writ Petitions are also allowed. The respondent-Discom is directed to levy only Rs.0.30 ps for 33 kV, Rs.1.13 ps for 11 kV and Rs.0.11 ps for 132 kV.

7. At this stage, learned counsel for the petitioners would submit that some of the petitioners have deposited higher amount quantified by the Regulatory Commission and the said amounts should be adjusted in future bills, by taking into consideration the amount suggested by the Discom. The said request is accepted.

8. Having regard to the above, wherever, the petitioners have deposited higher amount demanded by the Discom, the amounts shall be adjusted in future bills in their respective categories, as

per the proposal given by the Discom to the Regulatory Commission and as discussed above. Pending miscellaneous petitions shall stand closed.

5th February, 2019
tk.

P.NAVEEN RAO,J