

HIGH COURT FOR THE STATE OF TELANGANA
THE HON'BLE THE CHIEF JUSTICE SRI RAGHVENDRA SINGH CHAUHAN
AND
THE HON'BLE SRI JUSTICE A. ABHISHEK REDDY
WRIT APPEAL No. 37 OF 2020
10.01.2020

Between:

The Southern Power Distribution Company
of Telangana State and others

... Appellants

and

M/s. Penna cement Industries Ltd. and another

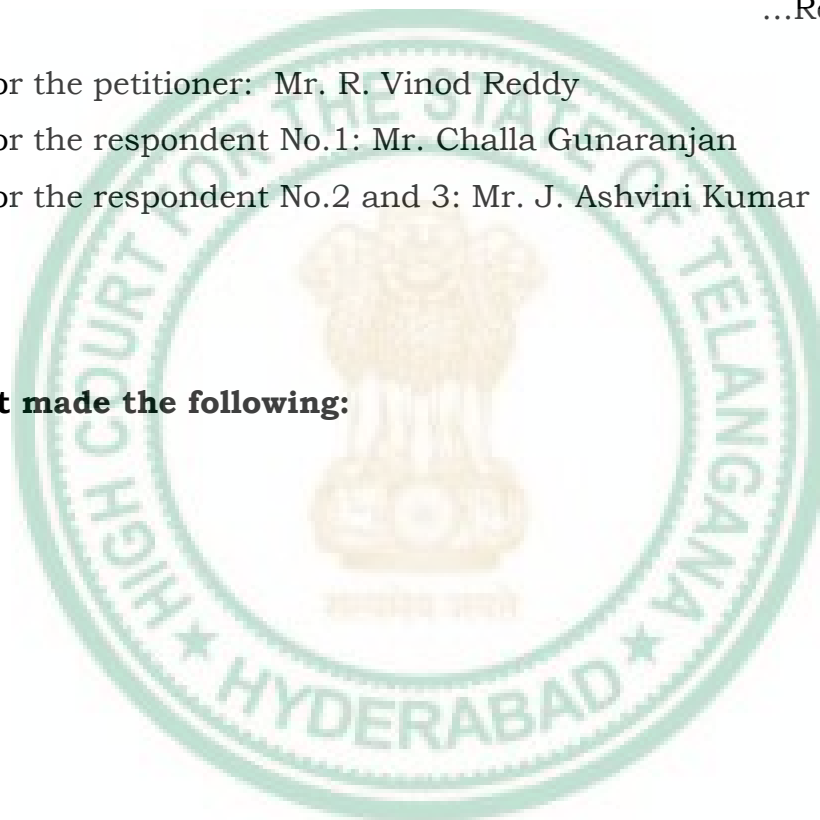
... Respondents

Counsel for the petitioner: Mr. R. Vinod Reddy

Counsel for the respondent No.1: Mr. Challa Gunaranjan

Counsel for the respondent No.2 and 3: Mr. J. Ashvini Kumar

The Court made the following:



JUDGMENT: (Per the Hon'ble the Chief Justice Sri Raghvendra Singh Chauhan)

The respondent No.1, M/s. Penna Cement Industries Ltd, filed the present writ petition challenging the order passed by the Telangana Electricity Regulatory Commission determining cross subsidy under Sections 39, 40 and 42 of the Electricity Act, 2003, for HT-1 Industrial Segregated category open access consumers in 11 kV, 33 kV and 132 kV categories. It has also challenged the demand for surcharge contained in the revised C.C bills. The said issue came up for consideration before this Court in W.P.Nos.26609 and 26623 of 2015, and the learned Single Judge, by order dated 29.10.2018, set aside the order of the Telangana Electricity Regulatory Commission, and allowed the writ petitions by declaring that, fixation of cross-subsidy surcharge for HT-1 Industry General category for 33 kV supply at the rate of Rs.1.29 ps was contrary to law, and holding that the cross-subsidy surcharge for HT-1 Industry General for 33 kV supply was Rs.0.30 ps per Kwh as was sought by the Discom for the financial year 2015-2016. The learned Single Judge also declared the demands raised by the Discoms on the petitioners therein, on the basis of the order passed by the Commission, as illegal and set aside the same.

The respondent No.1 in the present appeal is a consumer of 132 KV electricity supply. 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. Following the earlier decision of the learned Single Judge, referred to above, the subject writ petition was also allowed. Challenging the said order of the learned Single Judge in the writ petition, the present writ appeal is filed.

When the appeal came up for hearing, Mr. R. Vinod Reddy, the learned Standing Counsel for the appellants, Mr. Challa Gunaranjan, the

learned counsel appearing for respondent No.1, and Mr. J. Ashvini Kumar, the learned counsel for respondent No.2, submit that the issue raised in the present appeal is squarely covered by the judgment of the learned Coordinate Bench in W.A.No.1683 of 2018 and batch, dated 11.03.2019.

A perusal of the order in W.A.No.1683 of 2018 and batch, dated 11.03.2019, would show that the learned Coordinate Bench dismissed the appeals observing that the learned Single Judge exercised the judicial authority to arrive at the conclusion on the basis of lack of reasons for the Commission to have fixed the rate of cross subsidy surcharge higher than that which was proposed by DISCOM, to which proposal, the consumers had no objection. In view of the same, there was no illegality or improper exercise of jurisdiction by the learned Single Judge in having passed the impugned orders.

In view of the above, this Court is of the opinion that this writ appeal can also be disposed of in similar terms as was done in W.A.No.1683 of 2018 and batch, dated 11.03.2019.

The writ appeal is, accordingly, dismissed. There shall be no order as to costs.

The miscellaneous petitions pending, if any, shall stand closed.

RAGHVENDRA SINGH CHAUHAN, CJ

A. ABHISHEK REDDY, J

10th January, 2020
JSU

High Court for the State of Telangana**THE HON'BLE THE CHIEF JUSTICE SRI RAGHVENDRA SINGH CHAUHAN****AND****THE HON'BLE SRI JUSTICE A. ABHISHEK REDDY****WRIT APPEAL No. 37 OF 2020****(Per the Hon'ble the Chief Justice Sri Raghvendra Singh Chauhan)****Date: 10.01.2020****JSU**