

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.314 of 2019

26.02.2020

Between:

The Southern Power Distribution Company Ltd.,
of the Telangana State, Mint Compound, Hyderabad,
Rep. by its Chairman and Managing Director,
and others.

...Appellants

and

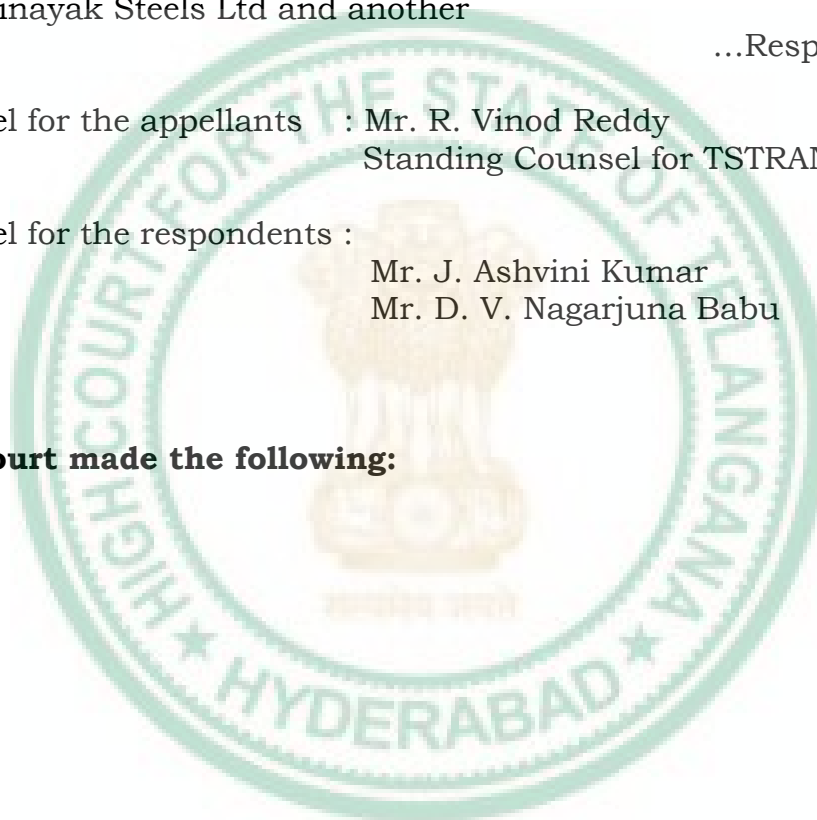
M/s. Vinayak Steels Ltd and another

...Respondents

Counsel for the appellants : Mr. R. Vinod Reddy
Standing Counsel for TSTRANSCO

Counsel for the respondents :
Mr. J. Ashvini Kumar
Mr. D. V. Nagarjuna Babu

The Court made the following:



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

Both the learned counsel for the parties submit that the issue in the present writ appeal is the same issue as was raised in W.A.No.121 of 2019 and batch, dated 21.10.2019, whereby this Bench had disposed of the Writ Appeals basing its decision on W.A.No.1683 of 2018 and batch, which were dismissed by the judgment, dated 11.03.2019.

The first respondent in W.A.No.121 of 2019 and batch filed the writ petitions challenging the orders 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. They also challenged the demand for surcharge contained in the revised C.C. bills. The said writ petitions were allowed following the earlier decision of the learned Single Judge in W.P.Nos.26609 and 26623 of 2015, wherein the learned Single Judge set aside the similar order of the Telangana Electricity Regulatory Commission, and also declared that, fixation of cross-subsidy surcharge for HT-1 Industry General category for 33 kV supply at the rate of 1.29 ps was contrary to law; the learned Single Judge held 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, in W.P.Nos.26609 and 26623 of 2015, 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.

By order, dated 21.10.2019, this Court disposed of the said appeals in W.A.No.121 of 2019 and batch in similar terms as was done in W.A.No.1683 of 2018 and batch, dated 11.03.2019, wherein 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, and 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.

Since the issue raised in the aforesaid appeals is identical to the present case, 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.121 of 2019 and batch, dated 21.10.2019.

The writ appeal is, accordingly, disposed of. 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

26th February, 2020
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