

**HON'BLE SRI JUSTICE P. NAVEEN RAO**

**CONTEMPT CASE No.597 of 2019**

**DATED : 31.01.2020**

Between :

Praneeth Projects

... Petitioner

AND

Sri D. Sreeram Mohan,  
Superintending Engineer (Operations),  
SPDCL of Telangana,  
Ranga Reddy Circle (North),  
Secunderabad.

... Respondent



The Court made the following :

**HON'BLE SRI JUSTICE P. NAVEEN RAO****CONTEMPT CASE No.597 of 2019****ORDER:**

By interim order dt.08.03.2019 in W.P.No.4606 of 2019, this Court directed restoration of power supply on condition of the petitioner depositing an amount of Rs.10,00,000/- (Rupees ten lakhs only). The writ petition was filed challenging the proceedings dt.17.11.2018, thereby changing the category of consumption of electricity from HT Category-II to HT Category-VII effected from 07.01.2015 to September, 2017 and demanded to pay an amount of Rs.50,17,175-13 ps.

2. Pursuant to the said interim order, the petitioner claims to have paid the amount demanded on 21.03.2019. However, vide letter dt.26.03.2019, in addition to the amount paid, the respondent Company also demanded the petitioner to pay the consumption charges quantified at Rs.6,88,100/-.

3. Learned counsel for the petitioner contends that this demand is illegal and in violation of the directions issued by this Court and hence the respondent cannot demand such amount and thereby refused to comply with the directions of this Court.

4. According to the learned Standing Counsel for the respondent, the amount mentioned in the letter dt.26.03.2019 is in addition to the amount quantified in the proceedings impugned in the writ petition and as this amount is not paid, the demand is made and, therefore, the same does not amount to disobedience of the orders of the Court.

5. From a reading of the letter dt.26.03.2019, it is seen that the consumption charges mentioned therein were for the months of December, 2018 and January and February, 2019, whereas the proceedings under challenge in the writ petition relating to the period prior to these months. From a reading of the prayer sought in the writ petition, it cannot be said that the Court took note of this demand also and when the amount was quantified by the Court for restoration of the power supply, no amount of consumption charges are due for subsequent months. Therefore, it cannot be said that the respondent has deliberately and willfully violated the orders of this Court.

6. Learned counsel for the petitioner submits that all these problems arose on account of change of categorization of consumption of electricity by the petitioner and such a change was made without issuing any notice and giving an opportunity of hearing to the petitioner. It is also contended that the amount quantified in the letter dt.26.03.2019 is also consequent to such a change of categorisation and the

principle of law is well settled by a judgment of this Court holding that such a change of categorization cannot be effected without following due process of law.

7. What is contended by the learned counsel for petitioner may be true, but as regards the issue involved in the contempt proceedings is concerned, the only issue required to be considered is, whether the respondents have violated the direction of this Court and such violation is deliberate and willful and against the purport of the order passed by the Court.

8. For the reasons recorded above and as already stated, it cannot be said that the violation is deliberate and willful warranting initiation of contempt proceedings.

9. Therefore, leaving it open for the petitioner to challenge the letter dt.26.03.2019, if it is aggrieved by further quantification of the amount by the respondent Company, the Contempt Case is closed. No order as to costs.

10. Miscellaneous petitions pending, if any, shall stand closed.

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JUSTICE P. NAVEEN RAO

31.01.2020.  
Msr

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Msr