

**HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD
(Special Original Jurisdiction)**

MONDAY, THE THIRTY FIRST DAY OF JANUARY
TWO THOUSAND AND TWENTY TWO

PRESENT

THE HON'BLE SRI JUSTICE A.ABHISHEK REDDY

WRIT PETITION NO. 4083 OF 2022

Between:

Smt. Pendyala Sri Lakshmi, W/o. P. Harnath Babu, Aged about 57 years, R/o. Villa No. 30/A, The Trails, Pokalwada Village, Rajendranagar Mandal, R.R.Dist.

...PETITIONER

AND

1. Southern Power Distribution Co. of Telangana Ltd., Rep. by its Chairman cum Managing Director, Mint Compound, Hyderabad
2. The Additional Assistant Engineer, Ibrahimbagh, TSSPDCL, Golconda, Hyderabad
3. ERO, Southern Power Distribution Co. of Telangana Ltd., Ibrahimbagh, Golconda, Hyderabad
4. The Additional Divisional Engineer (Operations), Ibrahimbagh, TSSPDCL, Golconda, Hyderabad

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a Writ of Mandamus or any other appropriate Writ, Order or Orders, Direction or Directions or declare the action of the 2nd respondent in issuing the letter No. AAE/OP/Ibrahimbagh/F.No. /D.No.517, dt.26/10/2021 without giving any opportunity of hearing and also without according any reasons despite the direction of the Hon'ble Court in WP.No.24633/2021, dt.01/10/2021 as arbitrary and illegal and to set aside the same and direct the 2nd respondent to strictly follow the earlier directions of this Hon'ble Court.

IA NO: 1 OF 2022

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the respondents not to initiate any coercive measures including disconnection of power supply in respect of the Service Connection No. 322301058 of the Villa No.30-A, The Trails, Pokalwada, Rajendranagar, R.R.District, towards recovery of

the amount in pursuance to the letter No. AAE/OP/IbrahimbaghIF.No. /D.No.517,
dt.26/10/2021 issued by the 2nd respondent, pending disposal of the Writ Petition.

Counsel for the Petitioner: SMT. VEDULA CHITRALEKHA

Counsel for the Respondents: SRI R. VINOD REDDY, S.C. FOR T.S.S.P.D.C.L

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE A.ABHISHEK REDDY

WRIT PETITION No.4083 of 2022

ORDER:

Heard the learned counsel for the petitioner and Sri R. Vinod Reddy, the learned Standing Counsel for TSSPDCL appearing for the respondents. With their consent, the Writ Petition is disposed of at the stage of admission itself.

- 2) Seeking to declare the letter No.AAE/OP/Ibrahimbagh /F.No.Nil/D.No.517, dated 26.10.2021, issued by respondent No.2 revising the CC bill and directing the petitioner to pay an amount of Rs.7,52,940/-, as illegal and arbitrary, the present Writ Petition is filed.
- 3) It is the case of the petitioner that she is the owner of the Villa bearing No.30/A, The Trails, Pokalwada Village, Rajendranagar Mandal, Ranga Reddy District. She has erected a Solar Power Generation Unit with 5 KW capacity on the roof top of the said Villa. She has entered into an agreement with respondent No.1 for Net Metering arrangement, as respondent No.1 has agreed to provide grid connectivity to the petitioner for injection of electricity generated from the roof top solar PV system. In view of the same, the petitioner was getting a nominal bill of Rs.175/- per month. While so, the respondent No.1 has issued the bill dated 17.09.2021 demanding an amount of Rs.7,52,914/- for the month of August, 2021. Therefore, the petitioner has submitted a representation dated

22.09.2021 to the Assistant Engineer, Operations, TSSPDCL, Manikonda, with a request to re-consider the said bill and not to disconnect the power supply. As no action was taken on the said representation, the petitioner has approached this Court by filing W.P.No.24633 of 2021 and this Court has disposed of the said writ petition *vide* order dated 01.10.2021 directing the respondent No.5 therein to consider the representation of the petitioner dated 22.09.2021 and pass appropriate orders in accordance with law by putting the petitioner on notice and affording her an opportunity of hearing.

4) Learned counsel for the petitioner has stated that the impugned letter has been issued without putting the petitioner on notice and without affording her an opportunity of hearing, and therefore, prayed to set aside the impugned letter.

5) The operative portion of the order dated 01.10.2021 reads as under:

"This writ petition is disposed of directing the 5th respondent to consider the representation dated 22.09.2021 submitted by the petitioner and pass appropriate orders in accordance with law by putting the petitioner on notice and by affording an opportunity of hearing, and communicate the order passed to the petitioner. Till said exercise is completed, the respondents are directed not to take any coercive steps including disconnection of power under the guise of recovery of the amount i.e. Rs.7,52,914/- covered under the bill dated 17.09.2021."

6) Even though this Court by the aforesaid order dated 01.10.2021 passed in W.P.No.24633 of 2021 has directed the respondent authorities to consider the representation of the petitioner duly putting her on notice and affording her an opportunity of hearing, the respondent No.2, without putting the petitioner on notice or affording her an opportunity of hearing, has straight away issued the impugned letter directing her to pay an amount of Rs.7,52,940/-.

7) In view of the above, the impugned letter dated 26.10.2021 is set aside and the matter is remanded back to respondent No.2 for passing orders afresh, in accordance with law, duly taking into consideration the order dated 01.10.2021 passed by this Court in W.P.No.24633 of 2021, putting the petitioner on notice and affording her an opportunity of hearing. The entire exercise shall be completed, as expeditiously as possible, preferably, within a period of six weeks from the date of receipt of a copy of this order.

8) The Writ Petition is, accordingly, allowed.

The miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

**SD/-T.KRISHNA KUMAR
ASSISTANT REGISTRAR**

//TRUE COPY//



SECTION OFFICER

To,

1. The Chairman cum Managing Director, Southern Power Distribution Co. of Telangana Ltd., Mint Compound, Hyderabad
2. The Additional Assistant Engineer, Ibrahimbagh, TSSPDCL, Golconda, Hyderabad
3. The ERO, Southern Power Distribution Co. of Telangana Ltd., Ibrahimbagh, Golconda, Hyderabad

4. The Additional Divisional Engineer (Operations), Ibrahimbagh, TSSPDCL, Golconda, Hyderabad
5. One CC to SMT. VEDULA CHITRALEKHA, Advocate [OPUC]
6. One CC to SRI R. VINOD REDDY, S.C. For T.S.S.P.D.C.L. (OPUC)
7. Two CD Copies.
8. One Spare Copy.

MP
TR

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HIGH COURT

DATED:31/01/2022

ORDER

WP.No.4083 of 2022



**ALLOWING THE WRIT PETITION
WITHOUT COSTS**

9
Santhana
Devaraj