

[3219]

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

THURSDAY, THE SECOND DAY OF MARCH
TWO THOUSAND AND TWENTY THREE

PRESENT

THE HONOURABLE SMT JUSTICE P. MADHAVI DEVI

WRIT PETITION NO: 7087 OF 2021

Between:

MODI FARM HOUSE (HYDERABAD), LLP,
Rep. by its Managing Partner Soham Modi, Aged about 50 Year, Occ: Business,
Sy. No.33, 43, 44 and 46, Yenkapally, Chevella, Ranga Reddy District.

...PETITIONER

AND

1. Southern Power Distribution Company of Telangana Limited (TSSPDCL),
Rep., by its Managing Director, Mint Compound, Hyderabad
2. Superintending Engineer-Assessments, Southern Power Distribution
Company of Telangana Limited Mint Compound, Hyderabad.
3. Divisional Engineer - Assessments, Southern Power Distribution Company of
Telangana Limited It Floor, 33/11 KV CM Camp Office Sub-Station,
Punjagutta, Hyderabad.
4. Asst. Divisional Engineer (Operation), Southern Power Distribution Company
of TG Ltd., Chevella, Ranga Reddy District.

...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 or order or direction declaring the orders passed in Case No.DPE/RRS/SD02/16946/20, dated 25.01.2021 by the 3rd Respondent herein as arbitrary, illegal and unsustainable and consequently set aside the same and consequently issue further direction to the Respondents to continue supply of power to the petitioner in all its connections.

IA NO: 1 OF 2021

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 grant stay of all further proceedings pursuant to the orders passed in Case No.DPE/RRS/SD02/16946/20, dated 25.01.2021 including recovery proceedings pending disposal of the Writ Petition.

IA NO: 1 OF 2022

Between:

1. Southern Power Distribution Company of Telangana Limited (TSSPDCL),
Rep., by its Managing Director, Mint Compound, Hyderabad
2. Superintending Engineer-Assessments, Southern Power Distribution
Company of Telangana Limited Mint Compound, Hyderabad.
3. Divisional Engineer - Assessments, Southern Power Distribution Company of
Telangana Limited It Floor, 33/11 KV CM Camp Office Sub-Station,
Punjagutta, Hyderabad.
4. Asst. Divisional Engineer (Operation), Southern Power Distribution Company
of TG Ltd., Chevella, Ranga Reddy District.

...Petitioners/Respondents

AND

MODI FARM HOUSE (HYDERABAD), LLP,
Rep. by its Managing Partner Soham Modi, Aged about 50 Year, Occ: Business,
Sy. No.33, 43, 44 and 46, Yenkapally, Chevella, Ranga Reddy District.

...Respondent/Petitioner

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 vacate the interim orders dated 23/03/2021 in W.P.No.7087 of 2021 and dismiss the writ petition.

Counsel for the Petitioner: SRI. PRABHAKAR PERI

Counsel for the Respondents: SRI R. VINOD REDDY, SC FOR TSSPDCL

The Court made the following: ORDER

THE HONOURABLE SMT JUSTICE P.MADHAVI DEVI

W.P.No. 7087 of 2021

ORDER:

In this writ petition, petitioner is seeking a writ of mandamus declaring the orders passed in Case No.DPE/RRS/SD02/16946/20, dated 25.01.2021 by the respondent No.3, as illegal, arbitrary and consequently to set aside the same and to pass such other order or orders.

2. Learned counsel for the petitioner submitted that the respondents have issued a Provisional Assessment Order, dated 16.10.2020 and the petitioner has filed its objections to the same and thereafter, the final assessment order dated 25.01.2021 was passed. Challenging the same, the present writ petition is filed.

3. Initially this Court has taken note of the fact that the petitioner has already paid 50% of the assessed amount. Therefore the official respondents were directed not to take any coercive steps.

4. Learned counsel for the respondents have filed counter affidavit along with a vacate stay petition.

5. It is noticed that the petitioner has challenged the quantum of demand in the final assessment order and the same cannot be decided by this Court under Article 226 of Constitution of India. It is further noticed that the remedy lies with the respondent No.2 and the petitioner would have to approach the respondent No.2 for adjudication of the appeal.

5. Learned counsel for the petitioner submitted that the petitioner would approach the respondent No.2 with an appeal and the respondent No.2 may be directed to dispose of the appeal within a time frame.

6. Having regard to the above submissions and particularly the fact that the petitioner has already paid 50% of the assessed amount as required to file an appeal before the respondent No.2, this Court deems it fit and proper to direct the petitioner to approach the respondent No.2 by filing an appeal within a period of thirty (30) days from the date of receipt of a copy of this order and thereafter, the respondent No.2 is directed to dispose of the said application within a period of three (3) months therefrom. Till such time, the appeal is disposed of, the respondents are directed not to take any coercive steps, such as

disconnection of power supply to the petitioner, unless there are any other dues.

7. Accordingly, this writ petition is disposed of. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition, shall stand closed.

//TRUE COPY//

SD/- P. GOWRI SHANKAR
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Managing Director, Southern Power Distribution Company of Telangana Limited (TSSPDCL), Mint Compound, Hyderabad
2. The Superintending Engineer-Assessments, Southern Power Distribution Company of Telangana Limited Mint Compound, Hyderabad.
3. The Divisional Engineer - Assessments, Southern Power Distribution Company of Telangana Limited It Floor, 33/11 KV CM Camp Office Sub-Station, Punjagutta, Hyderabad.
4. The Asst. Divisional Engineer (Operation), Southern Power Distribution Company of TG Ltd., Chevella, Ranga Reddy District.
5. One CC to Sri Prabhakar Peri, Advocate [OPUC]
6. One CC to Sri R. Vinod Reddy, SC FOR TSSPDCL [OPUC]
7. Two CD Copies

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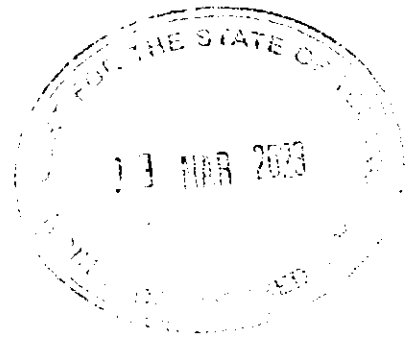
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HIGH COURT

DATED:02/03/2023

ORDER

W.P.No.7087 of 2021



**DISPOSING OF THE WRIT PETITION
WITHOUT COSTS**

⑨

PM

3/3/23