(2012) 08 AP CK 0045

In the Andhra Pradesh High Court

Case No : Writ Petition No. 6655 of 2003

Sri Lalitha Cotton Ginning Company — APPELLANT

Vs

Superintending Engineer, Operation, A.P. TRANSCO, Kurnool Circle, Kurnool and others — RESPONDENT

Date of Decision : 30-08-2012

Acts Referred:

Constitution of India, 1950 — Article 14, 19, 21, 300A

Citation : (2012) 5 ALT 531

Hon'ble Judges : Pinaki Chandra Ghose, C.J

Bench : Single Bench

Advocate : K. Rathanga Pani Reddy, for the Appellant; O. Manohar Reddy, S.C. for APTRANSCO, for the Respondent

Final Decision : Allowed

Judgement

Pinaki Chandra Ghose, C.J.—This writ petition is filed by the petitioner praying to issue a Writ of Mandamus declaring the action of the 4th respondent in issuing the impugned proceedings in L.R. No. AAO/ERO/NDL/JAO/II/NS-II/D. No. 551/2003, dated 31.03.2003 along with consumption bill dated 1.4.2003 for the petitioner''s service connection bearing No. ISC. No. 3052 of D.No. 30-477 and 30-479, Vivekananda Street, Nandyal R.S., by including and clubbing the service connection charges of ISC. No. 18298 of Aishwarya Cotton Mills, situated in D. No. 30-478, Vivekananda Street, Nandyal R.S., even though the petitioner is in no way concerned and connected with the other service connection as illegal, arbitrary, violative of APSEB Terms and Conditions of Supply and violative of Articles 14, 19, 21 and 300A of Constitution of India and consequently to set aside the same with a direction to the respondents to issue fresh consumption charges bill for petitioner''s service connection only, by deleting the charges included for service connection bearing No. ISC. No. 18298. Heard learned counsel appearing for the parties.

2. This writ petition is filed on the ground that two different units are running at

one premises and the service connections are also different to the said two units. The action which has been taken by the respondents is clubbing the bills of two different units into one and issued a single bill, whereas the two units are different entities under the provisions of law. Therefore, steps which have been taken by the proceedings of the respondents on 31.03.2003 along with consumption bill dated 1.4.2003 for the petitioner''s service connection bearing No. ISC 3052 of D.No. 30-477 and 30-479, Vivekananda Street, Nandyal R.S. by including and clubbing the service connection charges of ISC. No. 18298 of Aishwarya Cotton Mills situated in D.No. 30-478, Vivekananda Street, Nandyal R.S. is illegal and arbitrary.

3. It is not in dispute that two separate entities are carrying on business from the same property. It is also not in dispute that the door numbers of those two units are also separate. It is further submitted that the management is also in no way connected or interlinked with each other in these circumstances, it is submitted on behalf of the petitioner that the two service connections cannot be clubbed and that such conditions which have been imposed under Condition No. 27 of the Terms and Conditions of Power Supply, if at all, fulfilled then only the authorities have a right to club the bills of the two units. It is submitted that in this case the facts are totally different and cannot come within the purview of the said condition.

4. Learned Standing Counsel appearing for the respondents submitted that son and the father are carrying on business in two names and there are inter-connections amongst the said units and therefore it comes within the purview of condition No. 27 and that accordingly steps were taken.

5. Having heard learned counsel appearing for the parties and after considering the material on record, it appears to me that two different entities are carrying on their business from the said property, but it would be evident that their identity is different. They are carrying on their business and their premises numbers different. Therefore, the agreement, which was entered into between the respondent-authorities and the entities are also different. In my opinion, there is no reason to issue such an order by the respondents in respect of clubbing the services in question in any manner whatsoever. Accordingly, such steps, which have been taken by the respondents, in my opinion, cannot be sustainable under the provisions of law. The point that partnership for accounting purpose does not entitle the petitioners in two premises is also in favour of the petitioner. In the circumstances, this writ petition is allowed by setting aside the steps taken by the respondents. No costs.