

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.Nos.21936, 24528, 28309, 28926, 28948, 29013, 29777,
31156, 31494, 31500, 31628, 32534, 32548, 32563, 32778, 33954,
34387,35081, 22517, 22738, 22764, 22970, 23492, 23518,
23922, 24496, 24666, 24699, 24798, 24909, 24990, 25168, 25215,
25227, 27313, 27454, 27954, 28228, 29131,
22191, 22192, 22506, 22565 & 24694 OF 2018,

COMMON ORDER

Heard learned counsel on either side.

Since the issue involved in all these writ petitions is one and the same, they are heard together and disposed of by way of this common order.

For the sake of convenience, the facts in W.P.No.21936 of 2018 are discussed hereunder.

It is the case of the petitioners that earlier this Court disposed of W.P.No.34215 of 2012 and batch on 20.06.2016 and remanded the OPs to the 1st respondent for adjudication afresh. In pursuance thereof, the 1st respondent had taken up the matters for hearing and passed orders on 6.4.2018 without giving any notice as contemplated in Regulation 2/2015 issued by the 1st respondent.

Learned counsel appearing for the petitioners contended that whenever the 1st respondent admits the petition, it must issue notice as per Clauses 16 (ii) and 17 of Regulation 2/2015. In the instant case, the 1st respondent without issuing any individual notices to the parties, has adjudicated the matter and passed orders by clubbing all the orders. It is further

contended that as per the Rules, the 1st respondent is supposed to fix tariff for the each individual year. As the orders passed by the 1st respondent are contrary to the Regulations prescribed by the respondents, let the matters be remanded to the 1st respondent for adjudication afresh and decide the tariff after giving individual notices to the affected parties in terms of Clause 16 of the Regulation.

Learned Standing Counsel appearing for the respondents contended that the 1st respondent has displayed the information about the hearing of the case in the website and the 1st respondent has complied with Clauses 16 (ii) and 17 of the Regulations framed by the 1st respondent. Therefore, the 1st respondent has rightly passed orders after giving opportunity to the petitioners. It is further contended that if the matters are remanded back to the 1st respondent, the 1st respondent would follow Clauses 16 (ii) and 17 of the Regulations after giving opportunity to the petitioners.

Having considered the rival submissions made by the learned counsel on either side, this Court is of the considered view that all the writ petitions can be disposed of by remanding the matters back to the 1st respondent for fresh determination of Cross Subsidy Surcharge, after giving notice to the affected parties in terms of Clauses 16 (ii) and 17 of the

Regulations prescribed by the 1st respondent and pass appropriate orders within a period of six months from the date of receipt of a copy of this order. It is needless to state that the petitioners are at liberty to raise all legal grounds in accordance with law. Any demand issued pursuant to the orders passed by the 1st respondent on 6.4.2018 shall automatically stands quashed. The 1st respondent shall decide the cases, which have been remanded by the Tribunal, for the years 2004-2005 and 2005-2006.

Accordingly, all the writ petitions are disposed of. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

Date: 12.02.2020
rkk

