

**IN THE HIGH COURT OF KARNATAKA
CIRCUIT BENCH AT GULBARGA**

DATED THIS THE 3RD DAY OF JUNE, 2013

BEFORE

THE HON'BLE MR.JUSTICE RAM MOHAN REDDY

WRIT PETITION No.17304 OF 2011 (GM-KEB)

BETWEEN:

M/S HOTEL MAYURA,
BOARDING AND LODGING
OPP: NEW BUS STAND
BY ITS PROPRIETOR,
SRI ASHOK S/O SANGAPPA,
AGED ABOUT 49 YEARS,
R/O TQ. & DIST. BIDAR.

... PETITIONER

(BY SRI RAVI B. PATIL, ADVOCATE)

AND:

1. THE DIRECTOR,
DEPARTMENT OF TOURISM,
GOVERNMENT OF KARNATAKA,
1ST FLOOR, 'F' BLOCK,
CAVERY BHAVAN,
K.G. ROAD,
BANGALORE.
2. THE CHIEF ENGINEER (ELECTRIC)
(CORPORATION PLANNING)
GESCOM, GULBARGA,
TQ. & DIST. GULBARGA.
3. THE EXECUTIVE ENGINEER (ELECT.),
GESCOM BIDAR,

O & M DIVISION,
TQ. & DIST. BIDAR.

4. THE ASSISTANT EXECUTIVE ENGINEER (ELE)
O & M DIVISION,
GESCOM,
TQ. & DIST. BIDAR.

... RESPONDENTS

(SRI MANVENDRA REDDY, GOVT. ADV. FOR R1
SRI RAVINDRA REDDY, ADVOCATE FOR R2 TO R4)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO QUASH THE IMPUGNED NOTICE, DATED 26.2.2011, THE DEMAND NOTICE FOR PAYMENT OF ALLEGED DUE AS AT ANNEXURE-C AND ETC.

THIS PETITION COMING ON FOR ORDERS THIS DAY, THE COURT MADE THE FOLLOWING:

ORDER

Petitioner a hotelier when entitled to certain benefits, more appropriately, for application of a lower tariff on the electricity supplied by GESCOM in terms of the notification issued by the first respondent – Tourism Department of the State of Karnataka, having utilized the electric supply from the year 2001 onwards, when visited with a notice for recovery of the difference of amount on the tariff over utilized energy (electricity)

from the year 2001 onwards, lead to filing Writ Petition No.18057/2006, whence this Court by order dated 26.03.2008 Annexure-‘B’ directed the respondent to receive the representation submitted by the petitioner and pass appropriate orders thereon after affording an opportunity to the petitioner.

2. Apparently, the notice of demand dated 21.04.2011 Annexure-‘E’ challenged in this petition does not disclose extending an opportunity of hearing to the petitioner in compliance with the order dated 26.03.2008 in W.P.No.18057/2006.

3. In that view of the matter, this petition deserves to be allowed on the ground of non-compliance with the aforesaid order. The notice Annexure-‘E’ is quashed. In other words, the demand for Rs.5,71,488/- with interest is quashed. The respondent – GESCOM is directed to consider the petitioner’s representation dated 03.05.2011 Annexure-‘F’ to extend an opportunity of

hearing and thereafter pass orders in accordance with law. Respondent No.1 Department of Tourism is also directed to file its statement, if any, before GESCOM which is directed to extend an opportunity of hearing to the Department, as well, before taking a final decision.

**Sd/-
JUDGE**

swk