

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

WRIT PETITION No.17954 of 2015

ORDER:

Heard the learned counsel for the petitioner and the learned Standing Counsel for respondents. The Writ Petition is being disposed of at the stage of admission with the consent of parties.

The petitioner was running M/s.Venkatesh Ice & Cold Storage and M/s.Vijayalakshmi Ice Factory in property bearing D.Nos.4-145, 4-146 in R.S.No.443/1 of Veeravasaram Village, West Godavari District. There were two service connections bearing No.1708 under category III LT and S.C.No1247 under category III LT. Alleging that there was pilferage of energy, the loss was provisionally estimated at Rs.6,85,126/-. A criminal complaint was filed in C.C.No.768 of 2001 on the file of II Additional Judicial Magistrate of I Class, Bhimavaram. A show cause notice was issued by the Superintendent Engineer, Assessments, Vijayawada on 12.04.1999, asking to show cause why Rs.6,24,984.50 ps., plus other charges, should not recovered for the alleged pilferage of energy. The petitioner submitted his explanation on 20.05.1999. A final assessment order dated 25.03.2000 was passed confirming the provisional assessment order. The petitioner filed an appeal before the first respondent who, by his order dated 10.07.2007, dismissed the appeal. Challenging the same, the petitioner filed W.P.No.17118 of 2007, which was disposed of on 16.09.2014, directing the respondents to refer the case of the petitioner to the Special Court, constituted under Section 154 of the Electricity Act, for determination of civil liability. It is stated that both the factories were closed, and the petitioner surrendered both the service connections, and no due certificate was also issued in the year 2011. Now, the present Writ

Petition is filed by the petitioner challenging the inaction of the respondents in removing the transformer, cement platforms, other related structures and other material consequent to surrender of service connection.

Learned Standing Counsel for the respondents submitted that the petitioner is due of an amount of Rs.11,15,000/-, including disputed amount and interest thereon and, in view of the same, equipment is not being removed from the premises of the petitioner.

This Court feels it not proper to direct the petitioner to pay the demanded amount for removal of the equipment consequent to surrender of service connections by him. In the circumstances, it is open to the respondents to take necessary steps in accordance with law for recovery of the amount, more so, by implementing the order of this Court in W.P.No.17118 of 2007 dated 16.09.2014, but that should not deter the respondents from removing the electrical equipment located in the premises of the petitioner even after surrender of the service connection. In view of the same, the respondents are directed to remove the electrical equipment within a period of thirty days from the date of receipt of a copy of this order. Liberty is granted to the respondents to recover the amounts due, if any, from the petitioner by appropriate legal action.

The Writ Petition is, accordingly, disposed of at the stage of admission.

Miscellaneous petitions, if any, pending in this writ petition shall stand disposed of. No order as to costs.

A. RAMALINGESWARA RAO,J

Date:19.06.2015

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