

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

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W.P. NO. 1006 of 2015

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Date of Judgment: 27.1.2015

Between:

Mohd. Jameel

...Petitioner

And

Southern Power Distribution Company of TG Ltd
and others

..Respondents

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

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W.P. NO. 1006 of 2015

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ORDER:

Heard learned counsel for the parties who submitted that the issue involved in this writ petition is squarely covered by the judgment of this Court dated 20.11.2014 in W.P.No. 35231 of 2014. It is also submitted that the petitioner herein has already paid almost 50% of the provisionally assessed amount besides paying compounding fees.

Hence following the aforesaid judgment, this writ petition is also disposed of with the following order,

Under Section 154 (5) of the Electricity Act, 2003, the Special Court is empowered to determine the civil liability of the consumers in case of theft of energy. Since the petitioner has already paid almost 50% of the provisionally assessed amount besides paying compounding fees, it would be appropriate that the respondents refer the issue relating to the petitioner's civil liability to the Civil Court of competent jurisdiction within two months from the date of receipt of this order. Pending adjudication of the petitioner's liability by the civil Court, the respondents shall not disconnect the power supply to his service connection for non-payment of the balance provisional assessment amount.

Subject to the above directions, the writ Petition is disposed of.

Miscellaneous applications, if any, shall stand closed. No order as to costs.

VILAS V. AFZULPURKAR, J

Dt. 27.1.2015
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