

HON'BLE SRI JUSTICE R. KANTHA RAO

W.P.No.4846 of 2015

ORDER:

Heard learned counsel appearing for the petitioner and learned Standing Counsel appearing for respondents 1 to 4.

This Writ Petition is filed seeking to declare the action of the respondents in demanding/insisting to deposit remaining 50% of the amount mentioned in the provisional assessment order dated 29.04.2014, as arbitrary and illegal.

The respondent-authorities inspected the house of the petitioner, and registered a case against him on the ground that he has indulged in pilferage of energy. Thereafter, the respondent-authorities issued a demand notice dated 29.04.2014 directing him to pay an amount of Rs.12,668/-. Accordingly, the petitioner paid an amount of Rs.7,000/-. In spite of the same, the 2nd and 3rd respondents are demanding to pay the remaining amount and proceeding to disconnect the service connection of the petitioner.

Learned counsel appearing for the petitioner submits that the petitioner has already paid an amount of Rs.7,000/-. He further submits that the respondents are insisting the petitioner to deposit remaining 50% of the amount under the provisional assessment order dated 29.04.2014.

Whenever there is a dispute with regard to the provisional assessment, as per Section 154 (5) of the Electricity Act, 2003, the Special Court may determine the civil liability against a consumer or a person in terms of money for theft of energy.

Considering the fact that half of the amount has already been deposited by the petitioner, the respondents are directed to refer the matter to the Special Court for determination of civil liability within a period of one month from the date of receipt of a copy of this order. The respondents are further directed not to disconnect the power supply to the service connection of the petitioner till the determination of civil liability by the Special Court in accordance with law.

With the above direction, the Writ Petition is disposed of. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

JUSTICE R. KANTHA RAO

27th February, 2015

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