

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

W.P.No.2608 of 2010

ORDER:

This writ petition is filed under Article 226 of the Constitution of India, challenging the provisional assessment notice issued by the 2nd respondent vide Lr.No.ADE/OP/SD/BGR/F.No.BB/D.No.394/09 dated 13.7.2009, wherein the 2nd respondent assessed the amount provisionally as Rs.2,21,662/-.

2. Heard the learned counsel for the petitioner and the learned Standing Counsel for the Respondents, apart from perusing the material available on record.

3. According to the petitioner, he is an unemployed youth running a small poultry shed having L.T. Service Connection bearing No.5122400135.

4. This Court on 11.2.2010 passed interim order directing the respondents to forthwith restore power supply to the said service connection on condition of petitioner depositing Rs.60,000/- within a period of two weeks.

5. It is the contention of the petitioner herein that the very provisional assessment is an inflated one and blown out of proportions and is made without any application of mind and the demand of 100% amount at the provisional assessment stage itself is illegal, arbitrary and irrational.

6. The counter filed by the respondents justifies the impugned action. It is further stated in the counter affidavit that an inspection was made and the authorised officer inspected the premises and as the petitioner was indulging theft of energy, the provisional assessment notice was issued.

7. There is absolutely no dispute with regard to the fact that the petitioner herein in

pursuance of the impugned provisional assessment notice and in terms of the directions of this Court, deposited Rs.60,000/-. In the facts and circumstances of the case and taking into consideration the nature of controversy, this Court deems it appropriate to direct the respondents herein to proceed with final assessment proceedings, in accordance with law.

8. For the aforesaid reasons, the writ petition is disposed of permitting the respondents herein to proceed with final assessment proceedings, as per law. Till the said proceedings attain finality, no coercive steps shall be taken against the petitioner herein. As a sequel, the miscellaneous petitions, if any, shall stand closed. There shall be no order as to costs.

A.V.SESHA SAI, J

Date: 27.1.2015

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Between:

M.Venkatesh

... Petitioner

and

The Central Power Distribution Company of
A.P. Limited, rep. by its Chairman & Managing Director,
Mint Compound, Hyderabad & others.

... Respondents