

HON'BLE SRI JUSTICE R. KANTHA RAO

W.P.No.2067 of 2015

ORDER:

Heard learned counsel appearing for the petitioner, learned Government Pleader for Energy appearing for the 1st respondent and learned Standing Counsel appearing for respondents 2 to 5.

This Writ Petition is filed seeking to declare the action of the respondents in disconnecting the power supply to the service connection of the petitioner bearing No.XZ006094 CAT Lt III (A), as arbitrary and illegal.

Originally, the petitioner's firm was having two partners viz., Rachand Das Mathradas Gokul Das and Mulraj Dwarakadas Gokul Das. Subsequently, Mulraj Dwarakadas Gokul Das has retired and in his place Dilip P.Gokuladas and Jasraj Trading Company came as partners and thereafter all the three partners retired. Now, the present petitioner and another working partner Nitin P.Khara were inducted as partners in the said firm under the deed of partnership dated 30.06.2006. However, the electricity connection bearing No.XZ006094 CAT Lt III (A), which was obtained several decades back

remained in the name of earlier partner Gokuldas. Hence, the petitioner made an application dated 20.07.2012 to the respondents to change the name and the same is pending and the electricity bill is being issued in the name of the erstwhile partner Gokuldas. The petitioner's firm was registered on 16.02.1982 with the Department of Industries as a small scale industry. Since the installation of the equipment and establishment of the firm, it has been using the power supplied by the Electricity Department. While so, the 4th respondent issued a letter dated 7.3.2012 stating that the petitioner's firm was inspected on 10.1.2012 and the petitioner has been running Indane Gas refilling unit availing three phase electricity power supply for filling of Gas Cylinders which is a commercial/CAT II-A activity where as the sanctioned load and billing is under CAT III-A industrial purpose and that the back billing was proposed from the date of availability of records under category II-A instead of category III-A and that the differential power charges were assessed at Rs.5,68,981/-. After the said assessment, the petitioner was directed to pay half of the amount for continuation of power supply. Aggrieved by the same, the petitioner made a

representation to the 2nd respondent and also to the 3rd respondent on 20.04.2012. While so, on 23.06.2014, the respondents disconnected the power connection to the petitioner's firm. Challenging the same, the petitioner filed W.P.No.17305 of 2014 before this Court and this Court vide order dated 27.06.2014 directed the respondents to restore the power connection on condition of payment of Rs.2,00,000/- and further directed to dispose of the representation made by the petitioner. Pursuant to the same, power connection was restored on payment of Rs.2,00,000/- on 30.06.2014. Thereafter, the 3rd respondent passed the Final Assessment Order dated 18.09.2014 confirming the liability for payment of electricity charges of Rs.5,68,981/- and advised to file an appeal before the 2nd respondent along with ½ payment of Final Assessment accompanied by a fee of Rs.4,500/-. Against the Final Assessment Order, the petitioner presented the appeal on 18.12.2014 before the 2nd respondent.

The grievance of the petitioner is that though the appeal was filed on 18.12.2014 and the same

was acknowledged by the 2nd respondent on 29.12.2014, no action has been taken till today for restoration of power supply.

Considering the fact that the petitioner has deposited half of the Final Assessment and filed an appeal before the 2nd respondent, this Court is of the view that pending disposal of the appeal, the 2nd respondent can be directed to restore the power supply and dispose of the appeal at an early date.

Accordingly, the Writ Petition is disposed of directing the 2nd respondent to dispose of the appeal by affording an opportunity of hearing to the petitioner within a period of three months from the date of receipt of a copy of this order. Pending disposal of the appeal, the 2nd respondent is directed to restore power supply to the petitioner's firm. There shall be no order as to costs.

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

JUSTICE R. KANTHA RAO

5th February, 2015
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Note: Issue CC by Monday.

