

THE HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Writ Petition No.17783 of 2015

ORDER:

The petitioner took service connection for two mulgies situated at Chandulal Baradari Section, Hyderabad under category LT-II (B). The service connection was given on 11.03.2015 by the ADE SD-I/DPE and no irregularity was noticed. However, a notice of provisional assessment was issued to the petitioner on 24.03.2015 alleging that in the inspection conducted on 11.03.2015, it was found that the meter was tampered. The meter was sent for MRT Laboratory for testing and it revealed that the condition of the seal is tampered and after opening the meter cover, it was observed that a multi core copper wire shorted in between incoming and outgoing of the phase terminals. Thus, it was alleged that the petitioner was indulging in theft of energy intentionally, dishonestly and caused loss of revenue to the TSSPDCL. Accordingly, a theft case was registered under Section 135 of the Electricity Act, 2003 and he was asked to pay an amount of Rs.3,63,309/-. Challenging the said order, the present writ petition is filed.

Since there is an allegation of theft against the petitioner, this Court is not inclined to interfere with the impugned order passed by the fourth respondent. A perusal of the impugned order indicates that a reconnection will be given on payment of 50% of the assessed amount of Rs.1,81,654/- plus supervision charges of Rs.100/- plus reconnection charges of Rs.75/-.

Now, the learned counsel for the petitioner submits that if sufficient time is given, he would pay the amount subject to the civil liability to be determined by the Special Court under Section 154 (6) of the Electricity Act.

In the circumstances, the respondents are directed to restore the

power supply to the petitioner and the petitioner shall pay monthly consumption charges without fail. The petitioner is given eight (8) weeks time to pay 50% of the amount demanded, vide letter No. ade/op/miralam/d.no:2045, dated 24.03.2015 of the fourth respondent.

The respondents are further directed to refer the matter to the Special Court under Section 154 (6) of the Electricity Act for determining civil liability of the petitioner after payment of 50% of the amount as deposited. If the petitioner fails to pay monthly charges or the amount demanded through letter dated 24.03.2015 for the aforesaid charge, it is open for the respondents to take action for disconnecting the power supply.

With the above directions, the writ petition is disposed of. Miscellaneous Petitions, if any pending in this writ petition, shall stand closed. No order as to costs.

(A. RAMALINGESWARA RAO,
J)

Date: 08.07.2015

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