

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

WRIT PETITION No.1971 of 2006

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking following relief:

“to issue Writ of Mandamus declaring the action of the respondents in insisting upon payment of the demand assessed in pursuance of the proceedings No.SE/A/TPT/FAO/D.No.467/05, dated 23-06-2005 of the 3rd respondent contrary to Sections 126 and 127 of the Electricity Act, 2003, on which appeal is pending before the 2nd respondent, as illegal, arbitrary and violative of principles of natural justice and the Electricity Act.”

Heard Sri T.V.S. Kumar, learned counsel for the petitioner and Smt Jagarlamudi Koteswaridevi, learned Standing Counsel for APSPDCL, apart from perusing the material available before the Court.

The Superintending Engineer, Assessments, Tirupathi-2 – 3rd respondent herein passed an order vide proceedings No.SE/A/TPT/FAO/D.No.467/05, dated 23-06-2005 assessing the amounts payable by the petitioner herein as Rs.3,94,387/-. As against the said order passed by the third respondent petitioner herein filed appeal, dated 10-11-2005 before the Chief Engineer, Tirupathi – 2nd respondent herein.

Alleging insistence on payment of assessed amount pending appeal before the 2nd respondent the petitioner herein filed the present writ petition. This Court while ordering *rule nisi*, dated 02-03-2006 granted interim direction in W.P.M.P.No.2389 of 2006 directing the respondents not to disconnect the power supply to M/s.Khaja Saw Mill, Dundlavandlapalle Road, Rayachoti, Kadapa District.

A counter-affidavit is filed by the 4th respondent herein denying the averments

made in the affidavit filed in support of the writ petition and justifying the impugned action.

According to the petitioner, as pleaded in the writ affidavit, due to threat imposed by the respondents he paid an amount of Rs.70,000/- in the month of December, 2005 and in the month of January, 2006 and also paid a sum of Rs.79,375/- on 19-04-2005 and totally he paid a sum of Rs.1,49,375/-.

According to the petitioner, the appeal filed before the 2nd respondent herein is still pending consideration. If that being so, this Court does not propose to go into the merits and demerits of the issue involved in the writ petition and inclined to dispose of the present writ petition with a direction to the second respondent herein to pass appropriate orders on the appeal.

For the aforesaid reasons, the writ petition is disposed of, directing the 2nd respondent herein to pass appropriate orders on the appeal, dated 10-11-2005 filed by the petitioner herein within a period of two (2) months from the date of receipt of a copy of this order, after giving notice and opportunity of being heard to the petitioner herein. Pending the same, the interim direction granted by this Court on 02-03-2006 in W.P.M.P.No.2389 of 2006 shall continue. There shall be no order as to costs.

The Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

A.V. SESA SAI, J

April 29, 2015

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