

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION NO.13399 OF 2012

DATED:16-7-2015

Between:

M/s. Tilak Show Room
Readymade Garments Shop
SC No.110000172720 at
Door No.47-3-25
Dwarakanagar,
Visakhapatnam
Rep. by its Manager

... Petitioner

And

Eastern Power Distribution Company of
Andhra Pradesh Limited
Rep. by its Superintending Engineer (Operation Circle)
Visakhapatnam
and others

... Respondents

... Respondents

COUNSEL FOR THE PETITIONER: Mr. N. Siva Reddy

COUNSEL FOR THE RESPONDENTS: Mr. M. Ravindra,
Standing Counsel for APEPDCL

THE COURT MADE THE FOLLOWING:

ORDER:

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This writ petition is filed for a mandamus to set aside letter No.ADE/C&O/DPT/VSP/Dkt.No.DPT-11/12, D. No.985/12, dt.27.4.2012, of respondent No.3 whereby he has provisionally assessed a sum of Rs.27,11,426/- towards the value of power supply allegedly pilfered by the petitioner.

This Court on 2.5.2012 while ordering notice granted an interim direction to the respondents to restore the power supply subject to the petitioner depositing Rs.12.00 lakhs. At the hearing, learned counsel for the parties submitted that the said order has been complied with.

Under Section 154(5) of the Electricity Act, 2003, the Special Court is conferred with the jurisdiction to determine the civil liability of the consumers who have allegedly indulged in theft of energy. In the light of this provision and having regard to the fact that the petitioner has deposited 50% of the provisional assessment amount, respondent Nos.2 and 3 are directed to refer the dispute relating to the petitioner's civil liability to the competent Special Court within three months from the date of receipt of this order. Till the petitioner's civil liability is determined by the Special Court, the respondents shall not take coercive steps for recovery of the balance amount under the provisional assessment order.

Subject to the above directions, the writ petition is disposed of.

As a sequel to disposal of the writ petition, W.P.M.P. No.16699 of 2012 shall stand disposed of as infructuous.

C.V. NAGARJUNA REDDY, J

16-7-2015

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