

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA & THE STATE OF ANDHRA PRADESH
(Special Original Jurisdiction)

MONDAY, THE SECOND DAY OF FEBRUARY
TWO THOUSAND AND FIFTEEN

PRESENT

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

WRIT PETITION No.1655 of 2015

BETWEEN

V.Surya Prakash

... PETITIONER

AND

The Southern Power Distribution Company of TG Limited rep. by the
Chairman and the Managing Director, Viduth Sadan, Hyderabad.

...RESPONDENTS

The Court made the following:

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ORDER:

Heard learned counsel for the petitioner and Mr.O.Manohar Reddy,
learned Standing Counsel for the respondents.

2. The present writ petition is directed against the provisional assessment notice, dated 02.12.2014, issued to the petitioner on the allegation that he was pilfering the electric power and the same was provisionally assessed at Rs.11,71,424/-. Petitioner states that the said assessment is wholly incorrect and he is having service connection from which the power is being consumed and, as such, questions the provisional assessment order.

3. It is, however, not in dispute that the determination of disputes of this nature is required to be resolved in the manner provided under Section 154(5) of the Electricity Act, 2003 (for brevity, "the Act").

In similar such matters this court has already directed that if the petitioner deposits 50% of the demanded amount together with reconnection charges and supervision charges, the respondent authorities shall not only restore the power to the petitioner but shall also refer the dispute regarding the assessment of amount under Section 154(5) of the Act.

Hence, this writ petition is also disposed of with a direction that the respondents shall restore the power supply of the petitioner on payment of 50% of the disputed amount together with supervision and reconnection charges and on such deposit, the dispute relating to the assessment of amount shall be referred under Section 154(5) of the Act to the competent court. The amount paid by the petitioner, if any, be given credit to with regard to the condition imposed as above.

As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

VILAS V. AFZULPURKAR, J

February 2, 2015

Note:

Furnish copy by two days.

{B/o} LMV