

HONOURABLE SRI JUSTICE A. RAMALINGESWARA RAO

WRIT PETITION No. 29422 of 2015

DATED 10th September, 2015

BETWEEN

Karnasula Satyanarayanamma

...Petitioner

And

A.P. Eastern Power Distribution Co.Ltd.,
Rep. by its Superintending Engineer (Operations)
Rajahmundry, E.G. District. And ors.

...Respondents.

HONOURABLE SRI JUSTICE A. RAMALINGESWARA RAO

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ORDER:

Heard learned Counsel for the petitioner and learned
Standing Counsel for the respondents.

The petitioner is the owner of the land to an extent of
Ac.2.96 cents comprised in Sy.Nos.52/3 and 53/1 of
Gurajanapalli Village, Karapa Mandal, East Godavari District.
She applied for electrical service connection in the month of
February, 2015 and the respondents installed the same on
14.5.2015 after receiving due amounts from the petitioner. The
meter readings for the months of May to July were recorded and
when demand was raised, the petitioner paid the same. Be that
as it may, the respondents inspected the premises of the
petitioner on 22.08.2015 and it was noticed that the petitioner
indulged in the theft of electrical energy and thereby a

provisional assessment was issued assessing the loss of energy at Rs.9,68,755.38 Paise and a consequential notice dated 26.8.2015 was issued for payment of 50% of the total assessed amount. Challenging the same, the present Writ Petition is filed.

The learned Counsel for the petitioner submits that since the petitioner is paying the amount as per the bills raised on earlier occasions, the demand of Rs.9,68,755.38 Ps appears to be high, abnormal and unreasonable.

This Court is not inclined to accept the said contention of the learned Counsel for the petitioner inasmuch as the petitioner was paying regular bills as per the meter readings. When the premises of the petitioner was inspected on 22.08.2015, it was noticed that the petitioner was indulging in pilferage of electrical energy by way of directly tapping the nearby OH lines and as such, civil liability is required to be determined by the Special Court. In those circumstances only, the respondents asked the petitioner to pay 50% of the amount in demand, i.e. Rs.4,84,378/-, along with Rs.100/- and Rs.75/- towards supervision and reconnection charges respectively. The amount assessed by the respondents is only provisional and the same is subject to determination by the Special Court constituted under Section 154 of the Electricity Act, 2003. Having regard to the same, this Court is not inclined to interfere with the order dated 26.08.2015 passed by the third respondent. However, as and when the petitioner pays the amount as demanded in the notice dated 26.08.2015, the respondents are directed to refer the matter to the Special Court for determining the civil liability

without demanding any further amount from the petitioner.

Subject to the above, the Writ Petition is disposed of. Miscellaneous petitions pending consideration if any in the Writ Petition shall stand closed in consequence. No order as to costs.

JUSTICE A. RAMALINGESWARA RAO

DATED 10th September, 2015.

Msnr_x