

THE HONOURABLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION No.25427 of 2010

ORDER:

This Writ Petition, filed under Article 226 of the Constitution of India, challenges the action of the respondents in issuing the current consumption bills to a tune of Rs.1,32,055/- payable by the petitioner - Vallur Gram Panchayat as illegal and arbitrary.

When the matter is taken up for hearing, it is submitted by learned counsel for the petitioner that the subject matter of the writ petition is squarely covered by the earlier order of this Court, dated 02.12.2011, in W.P. No.28496 of 2010 and the copy of the said order is placed on record.

In view of the above, this Court deems it appropriate to dispose of the present writ petition in terms of the said order.

Heard learned counsel for the petitioner and learned Standing Counsel for the 2nd respondent.

The only ground on which the petitioner has questioned the impugned demand towards current consumption charges raised by the 2nd respondent is that even though the State Government has issued G.O. Rt. No.1592, Panchayat Raj and Rural Development (MDL.I) Department, dated 23.10.2008, wherein Rs.50 crores were sanctioned towards payment of current consumption charges due to A.P. Transco for the II quarter of financial year 2008-09, the bills have been raised against the petitioner.

In the counter- affidavit, the Superintending Engineer,

Operation Circle/ APCPDCL, Kurnool, has *inter alia* averred that the petitioner is in arrears of Rs.1,33,278/- that as against the total amount of Rs.50 crores released by the Government, the APCPDCL has received only Rs.17,94,000/- for all the Gram Panchayats under its jurisdiction. It is further stated that only a sum of Rs.9,577/- was received against seven service connections of street lights services of the petitioner – Gram Panchayat towards current consumption charges.

No reply-affidavit is filed contravening the above averments. Unless the Government steps in, the petitioner – Gram Panchayat is under obligation to pay the current consumption charges. Since the respondents have asserted that only a sum of Rs.9,577/- was received in respect of seven service connections of street lights services of the petitioner – Gram Panchayat, the latter is liable to pay the balance amount.

Respondent No.2 is directed to issue a fresh bill after adjustment of the amount received from the Government grant to the petitioner. Within a period of one month from the date of receipt of such bill, the petitioner-Gram Panchayat shall pay the bill amount. Till expiry of the period stipulated above, respondent No.2 shall not disconnect the power supply to the petitioner-Gram Panchayat.

Subject to the above directions, the Writ Petition is disposed of. No costs.

As a sequel to disposal of the Writ Petition, interim order, dated 07.10.2010 is vacated.

A.V. SETHA SAI, J

21st January, 2015
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