

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

WRIT PETITION NO.25433 OF 2012

DATED:19-6-2015

Between:

Appana Nageswara Rao

... Petitioner

And

Eastern Power Distribution Company of
Andhra Pradesh Limited,
Represented by its Chairman and Managing Director
Near Gurudwar, P & T Colony
Sithammadhara
Visakhapatnam
and others

... Respondents

... Respondents

COUNSEL FOR THE PETITIONER: None appeared

COUNSEL FOR THE RESPONDENTS: Mr. P. Anand Seshu

THE COURT MADE THE FOLLOWING:

ORDER:

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This writ petition is filed for the following substantive relief:

“to issue a Writ of Mandamus or any other appropriate Writ or Writs, Order or Direction, declaring the Provisional Assessment Notice dt.14.3.2012 in Lr. No.ADE/OSD/JPT/F.No.Doc/D.No.292/2012 on the file of the 2nd respondent, as illegal, arbitrary, without jurisdiction, violative of Arts. 14 & 300-A of the Constitution of India apart from being ultra vires the provisions of Electricity Act.”

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At the hearing, it has come out that in pursuance of the interim order of this Court, the petitioner has paid 50% of the provisional assessment amount.

Sri P.Anand Seshu, learned Standing Counsel appearing for the respondents, submitted that as the petitioner has already paid 50% of the provisional assessment amount, his clients have no objection for referring the case of the petitioner to the Special Court as required under Section 154(5) of the Electricity Act, 2003 (for short ‘the Act’) for determination of his civil liability.

In view of the above, the writ petition is disposed of with the direction to respondent No.2 to refer the dispute relating to the petitioner’s civil liability to the Special Court under Section 154(5) of the Act within a period of two months from the date of receipt of a copy of this order. Till determination of the petitioner’s civil liability, the respondents shall not recover the balance provisional assessment amount from him.

As a sequel to disposal of the writ petition, W.P.M.P.No.32422 of 2012 and W.V.M.P.No.3798 of 2012 shall stand disposed of as infructuous.

C.V. NAGARJUNA REDDY, J

19-6-2015

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