

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

Writ Petition No.38259 of 2012

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Dated 11th June, 2015

Between:

V.V.Suryanarayana and another

...Petitioners

and

The Superintending Engineer, EPDC of AP Limited, Gajjala Cheruvu, Eluru, WG
District and others

...Respondents

Counsel for the petitioners: Sri J.S.N.Sudhakar

for Smt.Kamla Seelam B.

Counsel for the respondents: Sri P.Anand Seshu

The Court made the following:

ORDER:

This writ petition is filed by the petitioners, who are LT consumers of electricity bearing two service connection Nos.9851 and 3952 in category-II, feeling aggrieved by the revised provisional assessment, dated 28.06.2012, made by respondent No.2.

Respondent No.2 earlier made a provisional assessment for the loss sustained on account of alleged theft of energy. In W.P.No.11447 of 2010 filed by the petitioners, this Court has set aside the said provisional assessment order and directed respondent No.2 to make a fresh provisional assessment. Following the same, respondent no.2 issued the

impugned provisional assessment for a sum of Rs.16,796/-. As the petitioner has already paid Rs.25,454/- under the previous provisional assessment, the excess payment of Rs.8,658/- was adjusted by respondent No.2 in the petitioners' future bills.

Under Section 154(5) of the Electricity Act, 2003, competent civil Court is required to determine the civil liability of the petitioners for the alleged theft of electricity. Inasmuch as the petitioners have already paid the entire provisional assessment amount, I do not find any justification for the respondents in not referring the case to a civil Court for determining the petitioners' civil liability.

Accordingly, the writ petition is disposed of with the direction to respondent No.2 to refer the dispute relating to the civil liability of the petitioners to the competent civil Court within a period of two months from the date of receipt of a copy of this order.

As a sequel to disposal of the writ petition, W.P.M.P.No.48518 of 2012 and W.V.M.P.No.318 of 2013 shall stand disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

11th June, 2015

VGB