

HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

CONTEMPT CASE No. 1023 OF 2015

ORDER:

This Contempt Case is filed alleging willful and deliberate disobedience of the order of this Court dated 26.02.2015 passed in WPMP.No.6070 of 2015 in Writ Petition No. 4579 of 2015.

Through the aforesaid order, this Court directed the Assistant Divisional Engineer, Operation, A.P. TRANSCO, Mydukuru, YSR Kadapa District, respondent herein, to restore the power supply to the petitioners' agricultural service connection No. 55 of Dumpalagattu Village, Kazipeta Mandal, YSR Kadapa District.

In the affidavit filed in support of the Contempt Case, it is stated that despite the order of this Court dated 26.02.2015, the respondent did not restore the power supply and thereby deliberately and willfully disobeyed the order of this Court.

When the Contempt Case came up for consideration on 19.06.2015, this Court directed the Registry to issue notice in Form-I to the respondent for his appearance in person before this Court on 17.07.2015. On that day, i.e. 17.07.2015 as the notice was not served on the respondent, the matter was adjourned by two weeks. On verification of the record, it was noticed that the notice in Form-I was served on the respondent on 06.07.2015. When the contempt case was listed on 14.08.2015, there was no representation for the respondent nor any representation is made on his behalf and therefore, the petitioner was directed to serve the papers on the learned

Standing Counsel appearing on behalf of the respondent so as to give one more chance to the respondent and the matter was directed to be listed on 21.08.2015. Despite the service of notice and serving of the papers on the learned Standing Counsel, the respondent/Contemnor was not present on 21.08.2015. The learned Standing Counsel for the AP TRANSCO informed that the respondent-Contemnor was aware of the contempt proceedings initiated against him and despite the same, he is not present before this Court. In those circumstances, this Court directed to issue bailable warrant to the respondent to secure his presence before this Court. Today, the respondent is present before this Court and on his behalf, Sri Akkam Eshwar, learned Counsel entered his appearance by filing Vakalat. He also filed counter affidavit on behalf of the respondent.

In the counter affidavit, the receipt of the impugned order dated 26.2.2015 has not been denied. It has been stated that the respondent was under impression that necessary papers along with counter have been handed over to the then learned Standing Counsel, Sri P.Vinod Kumar, who would argue on his behalf and take care of the matter. It has been stated in the counter affidavit that on 6.7.2015 he received the notice in Form-I and immediately thereafter he directed his subordinates to restore the power supply officially and also addressed a letter to the first petitioner on 7.7.2015 in regard thereto. However, the respondent on one hand states that there was no disconnection of power supply to the petitioners and on the other hand he states that there is restoration of power supply on 7.7.2015, thus there is a contradictory stand in the statement

made by him before this Court. The respondent further states that disconnection of power supply was effected pursuant to the orders of the Tahsildar, Khazipet as the writ petitioners had illegally dug the bore-well in the Government land in violation of the provisions of the WALTA Act and were drawing power illegally by direct tapping. However, realizing that there is lapse on his part, the respondent expressed regret and offered unconditional apology and prayed for taking lenient view in the matter. He further submits that there is no willful and deliberate disobedience of the orders of this Court dated 26.02.2015.

A perusal of the record and also subsequent developments that have taken place from time to time, one thing is specific that the respondent had received the impugned order of this Court dated 26.02.2015 on 13.3.2015. The impugned order came to be passed by this Court on the ground that there is violation of provisions of the Electricity Act, 2003 by the respondent. It is submitted that there was no issuance of prior notice of 15 days, which is mandate under the said Act, before disconnection of power supply is to be effected. In the present case, there is violation on the part of the respondent in not complying with the mandate of the Electricity Act. Further, even after directing restoration of power supply by this Court, the same has not been complied with and explanation given by the respondent in regard thereto is that he directed his subordinates to take necessary steps for restoration of power supply. But one thing to be noticed is that after receipt of notice in Form I, the respondent directed his subordinates for restoration of power supply.

In view of the foregoing narration of the events that have taken place in the matter, it is evident that there is negligence and callousness on the part of the respondent in complying with the order of this Court. In these circumstances, it cannot be said that there is no willful and deliberate disobedience of the orders of this Court by the respondent. However, considering the unconditional apology that has been offered by the respondent, this Court is inclined to take a lenient view by imposing fine of Rs.500/- (Rupees five hundred only) payable to the petitioner.

The Contempt Case is accordingly disposed of.

JUSTICE CHALLA KODANDA RAM

DATED 28th August, 2015.
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