

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.30680 of 2015

ORDER:

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

2. The petitioner is a quarry lease holder of an extent of 5.000 hectares in survey No.441/1 of Thummalapenta Village, Kolimigundla Mandal, Kurnool District. The agreement for lease is valid from 30.08.2007 to 29.08.2017. The petitioner obtained an electricity service connection under LT3(A)-Industrial Normal category. While so, the unit of the petitioner was inspected on 07.09.2015 and noticed TTB seal bit wire cut and tampering of seal. Accordingly, a provisional notice was issued on 09.09.2015 by the second respondent asking the petitioner to pay an amount of Rs.5,84,951/- along with compounding fee of Rs.60,000/-. Challenging the same, the present writ petition is filed.

3. A perusal of the provisional assessment notice indicates that a case of theft of energy was booked against the petitioner and the civil liability of the petitioner has to be determined by the Special Court constituted under Section 154 (6) of the Electricity Act, 2003.

4. In view of the same, this Court is not inclined to interfere with the notice, except giving liberty to the petitioner to pay 50% of the demanded amount, and on receipt of the same, the respondents are directed to restore the service connection of the petitioner and to refer the matter to the Special Court constituted under Section 154(6) of the said Act for determination of the civil liability. The amount paid by the petitioner would be subject to further orders passed by the Special Court. It is needless to mention that the compounding fee can be paid by the petitioner for avoiding the criminal liability.

5. The writ petition is, accordingly, disposed of. No order as to

costs. Miscellaneous Petitions, if any pending, shall stand closed.

A.RAMALINGESWARA RAO, J

Date: 21.09.2015

TJMR