

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

WRIT PETITION No.18265 of 2012

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28.10.2015

Between:

M/s.Avanthi House Building Society, Secunderabad

.. Petitioner

and

The Central Power Distribution Company of A.P. Ltd.,
Hyderabad and another

.. Respondents

Counsel for the petitioner: None appeared

Counsel for the respondents: Mr.R.Vinod Reddy
(Standing Counsel for Telangana
Southern Power Distribution Company Limited)

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The Court made the following:

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ORDER:

At the interlocutory stage, the writ petition is taken up for hearing and disposal with the consent of the learned standing counsel for Telangana Southern Power Distribution Company Limited (TSSPDCL), which is the successor of the respondents in the writ petition.

At the hearing, there is no representation for the petitioner.

The petitioner is a society comprising the owners of residential flats constructed by M/s.Mahmood Builders, Secunderabad. After the purchase of the flats by the members of the petitioner society, individual service connections were released in respect of their respective flats. The petitioner society felt aggrieved by the arrears intimation slip, dated 16.06.2012, in respect of service connection No.B2 17241 for a sum of Rs.39,493/-.

On behalf of the respondents, Assistant Engineer of erstwhile Andhra Pradesh Central Power Distribution Company Limited (APCPDCL), filed a counter-affidavit, wherein it is, *inter alia*, averred that service connection No.B2 17241 was released with a sanctioned load of 4KW on 01.08.1991 for construction purpose. That consumption charges were regularly paid up to July, 1992 and that an application was made for release of eight separate three-phase service connections for individual flats and accordingly, such service connections were released and thereafter, the consumer stopped payment of consumption charges for the original service connection No.B2 17241 after completion of construction. That after discussions with the individual flat owners, they have issued a cheque for Rs.31,000/- in the month of April, 2005, which was returned with the

endorsement 'insufficient funds' by the bank and that as the members of the petitioner society failed to pay the arrears, the arrears intimation slip, dated 16.06.2012, was issued.

The fact that the service connection No.B2 17241 was released in the name of the builder for construction purpose is admitted by the respondents. The further fact that the members of the petitioner society are the individual flat owners in whose names separate service connections were released is also admitted by the respondents. Thus, there is no privity of contract between the members of the petitioner society on the one side and the respondents on the other side in respect of service connection No.B2 17241. If the registered consumer pertaining to the said service connection committed default, the members of the petitioner society cannot be held responsible for such default. The remedy available for the respondents is to proceed against the defaulter for recovery of the arrears.

For the aforementioned reasons, the Writ Petition is allowed as prayed for.

As a sequel to allowing the writ petition, W.V.M.P.No.2781 of 2013 shall stand disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

28th October, 2015

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