

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

WP.No.8128 of 2013

ORDER :

In this Writ Petition, the petitioner challenges the provisional assessment notice dt.15.12.2012 made by 3rd respondent in respect of its service connection.

2. Under the said provisional assessment notice, an amount of Rs.20,13,385.00 was provisionally assessed on petitioner on the allegation that petitioner committed theft of electricity under Section 135 of the Electricity Act, 2003 (for short, 'the Act').
3. The petitioner was informed that if he pays 50% of the amount under the said provisional assessment notice plus other charges, electricity connection would be restored.
4. It is not disputed that the civil liability, in cases where theft of electricity is alleged, is to be determined by the Special Court created under the Act [sub-Section (5) of Section 154].
5. The petitioner had paid only a sum of Rs.5,00,000/- to the respondents. There is no determination of civil liability as on date by the Special Court constituted under Section 154 of the Act even till today.
6. The learned Standing Counsel however states that because of pendency of the Writ Petition, the final assessment of the liability of petitioner could not be done.
7. Having regard to these submissions, the Writ Petition is

disposed of directing that the Special Court, constituted under Section 153 of the Act, shall decide the civil liability of petitioner as provided in Section 154 (5) of the Act within a period of three (03) months from the date of receipt of a copy of this order.

8. Pending such determination by the Special Court, the power supply to the petitioner's service connection shall be restored subject to petitioner paying a sum of Rs.6,00,000/- (which shall be in addition to the sum of Rs.5,00,000/- already paid by petitioner to respondents) within a period of four (04) weeks from the date of receipt of a copy of this order.
9. The payment made by petitioner shall be subject to the final determination by the Special Court under Section 154 (5) of the Act.
10. Accordingly, the Writ Petition is disposed of with the above directions. No order as to costs.
11. As a sequel, miscellaneous petitions pending, if any, in this Writ Petition shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 03.12.2015

Ndr/*