

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

Writ Petition No.15922 of 2012

Dated 19th June, 2015

Between:

Nallamilli Krishna Reddy

...Petitioner

And

Eastern Power Distribution Company of Andhra Pradesh Limited
rep.by its Superintending Engineer, (Operation Circle), Rajahmundry,
East Godavari District and another

...Respondents

Counsel for the petitioner: Sri N.Siva Reddy

Counsel for the respondents: Sri P.Anand Seshu

The Court made the following:

ORDER:

This writ petition is filed for the following substantive relief:

“...to issue an appropriate writ, order or direction more particularly one in the nature of writ of mandamus, declaring the Provisional Assessment Notice in Lr.No.ADE/O/APT/S.Er/F.Doc/12-13/D.No.594/12, dated 17.05.2012, issued by the 2nd respondent as illegal, arbitrary and unjust and consequently direct the respondents to drop all further proceedings relating to the petitioner's service connection bearing SC No.21 Category LT-V(Agricultural) of Thummalapalli Village in Biccavolu Section.”

At the hearing, the learned counsel for the petitioner submitted that in pursuance of the interim order of this Court, the petitioner has paid 50% of the provisional assessment amount. He has further stated that as the petitioner's civil liability is required to be adjudicated by the Special Court under Section 154(5) of the Electricity Act, 2003 (for short 'the Act') the respondents may be directed to refer the dispute to

the Special Court.

Sri P.Anand Seshu, learned Standing Counsel appearing for the respondents, submitted that as the petitioner has already paid 50% of the provisional assessment amount, his clients have no objection for referring the dispute to the Special Court.

In view of the above submissions of the learned counsel for the parties, the writ petition is disposed of with the direction to respondent No.2 to refer the dispute relating to the petitioner's civil liability to the Special Court under Section 154(5) of the Act within a period of two months from the date of receipt of a copy of this order. Till determination of the petitioner's civil liability, the respondents shall not recover the balance provisional assessment amount from him.

As a sequel to disposal of the writ petition, W.P.M.P.No.20517 of 2012 and W.V.M.P.No.2957 of 2013 shall stand disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

19th June, 2015
VGB