

The Hon'ble Sri Justice C.V.Nagarjuna Reddy

Writ Petition No.34897 of 2012

Dated 09.09.2015

Between:

Dr.Syed Ainuddin

... Petitioner

and

-
The Central Power Distribution Company
of A.P. Ltd.,
rep. by its Divisional Engineer,
Hyderabad

...Respondents

Counsel for the petitioner: Mr.Prakash Chakravarthy

Counsel for the respondents: Mr.R.Vinod Reddy, SC for TSSPDCL

The Court made the following:

Order:

This Writ Petition is filed for a Mandamus to declare the action of the respondent in claiming a sum of Rs.25,777/- towards electricity charges in respect of the service connection unrelated to the petitioner, as illegal and arbitrary.

The petitioner averred that he has purchased Flat No.1 forming part of premises bearing Municipal

No.6-3-1091/13 to 15 in Survey Nos.14 & 15 situated at Somajiguda, Hyderabad. He has further averred that the said flat was purchased by him from its owner, who happened to be the second purchaser, and that after his purchase in the year 2006, he has obtained a new electrical service connection from the respondents. While so, on 13-10-2012, the impugned letter was addressed by the respondent demanding the sum of Rs.25,777/-. Feeling aggrieved by the said letter, the petitioner has filed the present Writ Petition.

On behalf of the respondent, its Divisional Engineer (Operation), Hyderabad, has filed a counter-affidavit wherein it is *inter alia* stated that service connection No.A-1009968 was released in favour of M/s.Amrutha Villa, Shop No.1/A, Rajbhavan Road, Somajiguda, Hyderabad; that the arrears under the impugned letter have been demanded in connection with the said service connection; that a new service connection was released to the petitioner in respect of the same premises and that therefore, the impugned demand was made against the petitioner.

From the contents of the counter-affidavit, it is evident that the amount demanded by the respondent relates to the service connection standing in the name of M/s.Amrutha Villa, which was evidently the developer, and the petitioner has nothing to do with the said developer. Instead of demanding the arrears from the developer, who alone is liable for payment of the same, the respondent has illegally demanded the same from the petitioner. In this view of the matter, the impugned proceeding is illegal and unsustainable and the same is, accordingly, set aside, however, leaving the respondent free to proceed against the registered developer viz., M/s.Amrutha Villa for recovery of the aforesaid arrears.

Subject to the liberty given to the respondents as above, the Writ Petition is allowed.

As a sequel, WVMP.No.3596 of 2013 in/& WPMP.No.44360 of 2012 are disposed of as infructuous.

(C.V.Nagarjuna Reddy, J)

Dt: 9th September, 2015
LUR

