

THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

WRIT PETITION Nos.38923 and 38933 OF 2015

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COMMON ORDER:

Grievance of the petitioners in these two Writ Petitions is that although they have been provided electricity connections to their respective premises, power supply is not being given to their service connections for more than two years. Counsel for the petitioners rely upon Section 43 of the Electricity Act, 2003, which mandates that the respondents shall give supply of electricity and Sub Section (3) thereof which imposes a penalty which may extend to one thousand rupees for each day of default if the respondents fail to supply electricity within the period stipulated in Section 43 of the Act and proviso thereof. Petitioners further state that they approached the Consumer Grievances Redressal Forum of the respondent and the said Commission had also passed order on 12.12.2013 directing restoration of power supply to the petitioners and even that order has not been complied with by the respondents.

2. In the counter affidavit filed by the 2nd respondent, it is stated that on account of cyclone in the year 2006, the service line which runs about 3 kilometres was totally destroyed and that the power supply is not being restored since the area was filled with mud, loose soil and water and it is difficult to erect poles and install transformers and lay electrical lines.

3. I am afraid of the respondents cannot sit idle for more than nine years and plead this sort of excuses having regard to Section 43 of the Electricity Act which reads as follows:

“Duty to supply on request.-(1) Every distribution licensee, shall, on an application by the owner or occupier of any premises, give supply of electricity to such premises,

within one month after receipt of the application requiring such supply:

Provided that where such supply requires extension of distribution mains, or commissioning of new sub-stations, the distribution licensee shall supply the electricity to such premises immediately after such extension or commissioning or within such period as may be specified by the Appropriate Commission;

Provided further that in case of a village or hamlet or area wherein no provision for supply of electricity exists, the Appropriate Commission may extend the said period as it may consider necessary for electrification of such village or hamlet or area.

(2) It shall be the duty of every distribution licensee to provide, if required, electric plant or electric line for giving electric supply to the premises specified in sub-section (1):

Provided that no person shall be entitled to demand, or to continue to receive, from a licensee a supply of electricity for any premises having a separate supply unless he has agreed with the licensee to pay to him such price as determined by the Appropriate Commission.

(3) If a distribution licensee fails to supply the electricity within the period specified in sub-section (1), he shall be liable to a penalty which may extend to one thousand rupees for each day of default."

4. Having regard to the mandatory duty cast on the respondents under Section 43 of the Act, these Writ Petitions are allowed and the respondents are directed to do needful to restore the power supply connection to the petitioners premises, within one month from the date of receipt of a copy of the order and the 2nd respondent shall also pay costs of Rs.3,000/- to each of the petitioners for failing in his duty to implement Section 43 of the Act. There shall be no order as to costs. Miscellaneous petitions, if any, pending in these two Writ Petitions shall stand closed.

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JUSTICE M.S.RAMACHANDRA RAO

DECEMBER 30, 2015

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Note:

Issue C.C. by one week.

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Dt: 30.12.2015

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