

HON'BLE SRI JUSTICE R. KANTHA RAO

W.P.No.2147 of 2015

ORDER:

Heard learned counsel appearing for the petitioner and learned Standing Counsel appearing for respondents 1 to 3.

This Writ Petition is filed seeking to declare the action of the respondents in demanding/insisting the deposit of entire amounts mentioned in the provisional assessment order dated 13.10.2014, as arbitrary and illegal.

The petitioner is a dairy products processing unit situated at Pathakotapalli Village, Chittoor District and there is a service connection existing in the said premises. The officials of the respondents inspected the unit of the petitioner on 10.10.2014 and filed a case alleging that the petitioner has indulged in pilferage of energy by tapping the service line. Accordingly, the official respondents issued order dated 13.10.2014 to the petitioner imposing provisional assessment for Rs.6,33,501/- plus Rs.600/- towards supervision charges. On deposit of 50% of the said amount, the power supply was restored to the unit of the petitioner.

Learned counsel appearing for the petitioner submits that the petitioner has already paid an amount of Rs.65,000/- towards compounding fee to the respondents. He further submits that the respondents are insisting the petitioner to deposit the entire amount under the provisional assessment order dated 13.10.2014.

Whenever there is a dispute with regard to the provisional assessment, as per Section 154 (5) of the Electricity Act, 2003, the Special Court may determine the civil liability against a consumer or a person in terms of money for theft of energy.

Considering the fact that half of the amount has already been deposited by the petitioner, the respondents are directed to refer the matter to the Special Court for determination of civil liability within a period of one month from the date of receipt of a copy of this order. The respondents are further directed not to disconnect the power supply to the service connection of the petitioner till the determination of civil liability of the Special Court in accordance with law.

With the above direction, the Writ Petition is disposed of. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this

writ petition shall stand closed.

JUSTICE R. KANTHA RAO

5th February, 2015
rkk