

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

Writ Petition No.17510 of 2012

Dated 09.09.2015

Between:

Kovvuri Venkata Reddy

... Petitioner

and

-
The APEPDCL, Visakhapatnam,
rep. by its Superintending Engineer
Visakhapatnam and 2 others

... Respondents

Counsel for the petitioner: Mr.P.Narasimha Rao

Counsel for the respondents: Mr.M.Ravindra, SC for APEPDCL

The Court made the following:

Order:

This Writ Petition is filed for a Mandamus to set aside the proceeding in Lr.No.ADE/O/APT/S.Er/F-BB /11-12/ D.No.384/12, dated 28-03-2012, of respondent No.2, whereunder a sum of Rs.1,63,872/- has been demanded for the alleged excess use of load in respect of the petitioner's service connection bearing No.540, Category III of V.Savaram Village, Rayavaram

Mandal.

At the hearing, Mr.P.Narasimha Rao, learned Counsel for the petitioner, submitted that as per the conditional interim order granted by this Court, his client has deposited 50% of the provisional assessment amount demanded under the impugned notice. He has further submitted that in view of the pendency of this Writ Petition, the final assessment authority has not finalised the assessment proceedings.

Mr.M.Ravindra, learned Standing Counsel for the Andhra Pradesh Eastern Power Distribution Corporation Limited (for short 'the APEPDCL'), submitted that under Condition No.12.3 of the terms and conditions of the APEPDCL, the Divisional Engineer (Operation), Ramachandrapuram, is the competent authority for making final assessment.

Inasmuch as the final assessment proceeding needs to be initiated by the competent authority and the petitioner has already paid 50% of the provisional assessment amount as per the direction of this Court, it is appropriate to direct the

Divisional Engineer (Operation),
Ramachandrapuram, to hold an enquiry into the
allegations contained in the provisional assessment
order and pass a final assessment order after
issuing notice to the petitioner and considering his
explanation if any. Till this process is concluded,
the respondents shall not disconnect the power
supply to the petitioner's service connection for
non-payment of the balance provisional
assessment amount demanded in the impugned
notice.

Subject to the above directions, the Writ
Petition is disposed of.

As a sequel to disposal of the Writ Petition,
WVMP.No.750 of 2013 and WPMP.No.22437 of
2012 are disposed of as infructuous.

(C.V.Nagarjuna Reddy, J)

Dt: 9th September, 2015
LUR