

HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE

WRIT PETITION No.13095 of 2010

Dt:14.08.2015

Between:

Ilyas Hussain.

... Petitioner

And

The A.P. Central Power Distribution Corporation Limited
and another.

... Respondents

HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE

WRIT PETITION No. 13095 of 2010

ORDER:

This writ petition challenges the proceedings, dated 04.06.2010, issued by the first respondent asking the petitioner to deposit 50% of the provisional assessment amount, supervision charges of Rs.50/- for restoration of supply and pay the balance in instalments. The impugned proceedings further state that simultaneously with the assessment proceedings for recovery of electricity charges under Section 135 of the Electricity Act, 2003 (for short 'the Act'), as provided for under clause 10 of the General Terms and Conditions of Supply, the concerned designated officer of the company to initiate proceedings under the provisions of the civil liability under Section 154 of the Act and that the amount paid by the petitioner pursuant to the provisional assessment may be adjusted against the civil liability, that would be determined by the Court as provided under Section 154 (6) of the Act.

This Court *vide* order, dated 10.06.2010, had directed the first respondent to restore electricity supply to the petitioner's service connection No.M3017932 on his paying 50% of the provisional assessment amount. Learned counsel for the petitioner submits that as per the order, the petitioner paid 50% of the provisional assessment amount.

Keeping that in view and considering the contents of the proceedings, dated 04.06.2010, I am satisfied that this writ petition can be conveniently disposed of by an order that I propose to pass

and that has not been opposed by learned counsel for the petitioner.
Hence, I pass the following order:

“Deposit of the amount (50%) made by the petitioner in pursuance of the order passed by this Court may be treated as payment as stated in the proceedings, dated 04.06.2010 with liberty to the concerned designated officer of the first respondent to initiate proceedings against the petitioner for determination of the civil liability under Section 154 of the Act. It is needless to mention that 50% amount paid by the petitioner pursuant to the provisional assessment shall be subject to adjustment against the civil liability that will be determined by the appropriate Court as contemplated by Section 154 (6) of the Act. Insofar as criminal case as mentioned in the proceedings is concerned, it is open to the petitioner to take appropriate remedy for appropriate relief. It is needless to mention that the concerned authority shall give an opportunity of being heard to the petitioner while deciding the proceedings under Section 154 (6) of the Act.”

With these observations, the writ petition is disposed of.

Consequently, miscellaneous petitions, if any, also stand disposed of. There shall be no order as to costs.

DILIP B. BHOSALE, ACJ

Dt:14.08.2015

kdl

