

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.6139 of 2011

Date:20.8.2015

Between:

M/s S.B.K.Aqua Minerals,
Hyderabad, repled., Proprietor-
G.S.R.K.Prasad

..... **Petitioner**

And:

The Divisional Engineer,
A.P. Central Power Distribution Company
Limited, Hyderabad and two others.

.....**Respondents**

Counsel for the Petitioner: Ms Shilpa
For P.Kasi Nageswar Rao

Counsel for the Respondents: Mr.R.Vinod Reddy
Standing Counsel

The Court made the following:

ORDER:

This Writ Petition is filed for a *Mandamus* to declare the action of the respondents in threatening to disconnect the power supply to the petitioner's Service Connection No.370305137 without any reason as illegal and arbitrary.

The Proprietor of the petitioner averred that he has established a Packaged Drinking Water Unit in the name and style of 'M/s S.B.K.Aqua Minerals' at Plot No.109, Chakradhar Colony, Allwyn Colony, 2nd Phase, Kukatpally, Hyderabad, in the year 2005 under valid license from the Department of Industries; that subsequently, he has shifted the said Unit to his own building at Plot No.327/A, Allwyn Colony, 2nd Phase, Kukatpally, Hyderabad and obtained 3 Phase power

supply, vide the above-mentioned Service Connection; that due to domestic necessity, he has sold away his building in which the Unit was located; and that thereafter, he shifted the Unit to Plot Nos.34, 35, 50 and 51 situated at Chakradhar Nagar, Allwyn Colony, 2nd Phase, Kukatpally, Hyderabad, which was possessed by him under lease for a period of five years. He further averred that on his request, the respondents have shifted the electrical Service Connection to the leased premises in the month of January, 2008 and that he has been paying current consumption charges without any default. It is further averred that on 05.3.2011, respondent No.3 came to the petitioner's Unit and threatened to disconnect the power supply on the allegation that he is using the power supply illegally. It is further alleged that respondent No.3 has threatened disconnection only at the instance of the petitioner's landlord who is seeking his eviction.

This Court by order, dated 16.3.2011, granted interim direction to the respondents not to disconnect power supply to the petitioner's Service Connection. Since then, no counter-affidavit is filed by the respondents.

In the absence of the counter-affidavit, the averments in the affidavit referred to above remained uncontroverted. Unless the respondents initiate action in accordance with the procedure prescribed under the Electricity Act, 2003 and the terms and conditions governing the power supply, they cannot interfere with the electricity supply released to the petitioner.

In this view of the matter, the Writ Petition is allowed, however, with liberty to the respondents to follow the due procedure of law, if they feel that the petitioner is not entitled to continuance of power supply.

As a sequel to disposal of the Writ Petition, WPMP.No.7650 of 2011 is disposed of as infructuous.

*JUSTICE C.V.NAGARJUNA
REDDY*

20th August 2015
DR