

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

W.P.No.27660 of 2008

ORDER:

This writ petition challenges the action of the respondents in disconnecting the power supply to the premises situated at H.No.16, Visakha-B Colony, Srikakulam vide Service Connection No.32973 as arbitrary, illegal, contrary to the provisions of Electricity Act, 2003 and violative of principles of natural justice and violative of rights guaranteed under Articles 14 and 21 of the Constitution of India.

2. Heard Sri Challa Gunaranjan, learned counsel for the petitioner and Sri P.Anand Seshu, learned Standing Counsel for Respondents, apart from perusing the material available on record.

3. According to the petitioner, he is the Managing Director of M/s Shiva Sagar Paper and Chemical Ltd., having its unit situated at Akkarada Village, Jalamuru Mandal, Srikakulam District. The grievance precisely in the present writ petition is that the respondents herein disconnected power supply to the leased premises of the petitioner herein on 17.12.2008 without issuing any show cause notice and without affording any opportunity of being heard.

4. This Court, while issuing rule nisi on 18.12.2008, in W.P.M.P.No.36242 of 2008 granted interim direction, directing the respondents herein to restore the power supply to the premises situated at H.No.16, Visakha-B Colony, Srikakulam. It is brought to the notice of this Court that pursuant to the orders of this Court, the respondents herein restored the power supply to the petitioner herein.

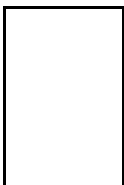
5. As per the provisions of Section 56 of the Electricity Act, 2003, prior to resorting to the action of disconnection of power supply, the person concerned must be served with a show cause notice by giving time not less than 15 clear days. Though it is categorically stated in the

affidavit filed in support of the writ petition that without giving any notice, the respondent authorities disconnected power supply, the counter filed by the respondents herein is absolutely silent with regard to compliance of provisions of Section 56 Electricity Act, 2003. In the circumstances, this Court is of the considered opinion that the impugned action on the part of the respondent authorities is in contravention of provisions of Section 56 of Electricity Act, 2003 and is also violative of principles of natural justice.

6. For the aforesaid reasons, the writ petition is allowed, declaring the action of the respondents herein in disconnecting the power supply for the premises bearing H.No.16, Visakha-B Colony, Srikakulam vide Service Connection No.32973 as illegal, arbitrary and contrary to the provisions of Electricity Act and also violative of principles of natural justice. However, it is open for the respondent authorities to issue show cause notice to the petitioner as per the provisions of Section 56 Electricity Act, 2003 and to proceed in accordance with law. As a sequel, the miscellaneous petitions, if any, shall stand closed. There shall be no order as to costs.

A.V.SESHA SAI, J

Date: 6.2.2015
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Date : 6.2.2015

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Between:

V.Jagadish

... Petitioner

and

Chief General Manager/OECS,
Eastern Power Distribution Company of
A.P. Ltd., Seethammadhara,
Visakhapatnam and others.

... Respondents