

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA & THE STATE OF ANDHRA PRADESH
(Special Original Jurisdiction)

MONDAY, THE SECOND DAY OF FEBRUARY
TWO THOUSAND AND FIFTEEN

PRESENT

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

WRIT PETITION No.1671 of 2015

BETWEEN

M.Rambabu

... PETITIONER

AND

The Eastern Power Distribution Company of AP Limited, Rep. by the
Managing Director, Visakhapatnam and others

...RESPONDENTS

The Court made the following:

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ORDER:

Heard learned counsel for the petitioner and Mr.P.Anand Seshu,
learned Standing Counsel for the respondents.

2. The present writ petition is directed against the provisional assessment notice, dated 19.09.2014, issued to the petitioner on the allegation that he was pilfering the electric power and the same was provisionally assessed at Rs.99,055.88/- and if the petitioner seeks reconnection, he was directed to pay Rs.49,528/- along with supervision charges of Rs.100/- and reconnection charges of Rs.75/-. Petitioner states that the said assessment is wholly incorrect and he is having service connection from which the power is being consumed and, as such,

questions the provisional assessment order.

3. It is, however, not in dispute that the determination of disputes of this nature is required to be resolved in the manner provided under Section 154(5) of the Electricity Act, 2003 (for brevity, "the Act").

In similar such matters this court has already directed that if the petitioner deposits 50% of the demanded amount together with reconnection charges and supervision charges, the respondent authorities shall not only restore the power to the petitioner but shall also refer the dispute regarding the assessment of amount under Section 154(5) of the Act.

Hence, this writ petition is also disposed of with a direction that the respondents shall restore the power supply of the petitioner on payment of Rs.40,000/- (Rupees forty thousand only) of the disputed amount together with supervision and reconnection charges. On such deposit, the dispute relating to the assessment of amount shall be referred under Section 154(5) of the Act to the competent court. The amount paid by the petitioner so far, if any, be given credit to with regard to the condition imposed as above.

As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

VILAS V. AFZULPURKAR, J

February 2, 2015

Note:

Furnish copy by two days.

{B/o}
LMV