

HON'BLE SRI JUSTICE R.KANTHA RAO

Writ Petition No.1461 of 2015

-

Date: 05-02-2015

Between

Sri Sai Bakery,
Near RTC Bus Stand,
Kodad Town and Mandal,
Nalgonda District,
Rep. by its Proprietor
Mr. V.Ganesh

... Petitioner

and

The Southern Power Distribution
Company of Telangana State Ltd.,
Rep. by its General Manager, Hyderabad;
and 2 others

... Respondents

HON'BLE SRI JUSTICE R.KANTHA RAO

Writ Petition No.1461 of 2015

-

Order:

Heard Sri V.Brahmaiah Chowdary, learned counsel
appearing for the petitioner and Sri O.Manohar Reddy,
learned Standing Counsel appearing for the respondents
1 to 3.

2. This writ petition is filed seeking to declare the

action of the respondents in demanding/insisting the deposit of entire amount mentioned in the provisional assessment order dated 24-12-2014, as arbitrary and illegal.

3. The petitioner is a bakery unit situated near RTC Bus Stand, Kodad Town, Nalgonda District and there is a service connection existing in the said premises. The officials of the respondents inspected the unit of the petitioner on 17-12-2014 and filed a case alleging that the petitioner has indulged in pilferage of energy by tapping the service line. Accordingly, the official respondents issued order dated 24-12-2014 to the petitioner imposing provisional assessment for Rs.1,22,191/- plus Rs.100/- towards supervision charges and Rs.75/- towards reconnection charges.

On deposit of 50% of the said amount, the power supply was restored to the unit of the petitioner.

4. The learned counsel appearing for the petitioner submits that the petitioner has already paid an amount of Rs.61,271/- towards compounding fee to the respondents.

He further submits that the respondents are insisting the petitioner to deposit the entire amount under the provisional assessment order dated 24-12-2014.

5. Whenever there is a dispute with regard to the provisional assessment, as per Section 154 (5) of the

Electricity Act, 2003, the Special Court may determine the civil liability against a consumer or a person in terms of money for theft of energy.

6. Considering the fact that half of the amount has already been deposited by the petitioner, the respondents are directed to refer the matter to the Special Court for determination of civil liability within a period of one month from the date of receipt of a copy of this order. The respondents are further directed not to disconnect the power supply to the petitioner's service connection bearing No.4240108337 on condition that the petitioner paying an amount of Rs.5,000/- (Rupees five thousand only) in addition to the half of the provisional assessment amount which has already been paid till the determination of civil liability of the Special Court in accordance with law. The writ petition is disposed of accordingly. The miscellaneous petitions, if any, pending in this writ petition shall stand closed. No costs.

R.KANTHA RAO, J.

05th February, 2015.

Ak

Note:-

Issue C.C. in one week.

(B/o)

Ak

HON'BLE SRI JUSTICE R.KANTHA RAO

Writ Petition No.1461 of 2015

-

-

05th February, 2015.
(Ak)