

HONOURABLE SRI JUSTICE A. RAMALINGESWARA RAO

WRIT PETITION No. 28505 of 2015

ORDER:

Heard learned Counsel for the petitioner and learned Standing Counsel for the respondents.

The petitioner is an agriculturist and he obtained Electricity Service Connection No.4122408000269 under Category LT (B) Domestic to his house bearing No.2-42, situated at Gundlasamudram Village, Marripudi Mandalam, Prakasam District. While so, he received the impugned provisional assessment notice dated 20.05.2015 from the second respondent demanding payment of Rs.20,534/- on the ground that he committed theft of electricity energy. He was also asked to pay compounding fee of Rs.3,000/-. Challenging the issuance of provisional notice, the present Writ petition is filed.

Since it is a case of theft of electricity, ultimately civil liability has to be determined by the Special Court constituted under Section 154 of the Electricity Act, 2003. In the circumstances, the petitioner is directed to pay 50% of the demanded amount within two weeks from the date of receipt of a copy of this order and on the receipt of the said amount, the respondents are directed to refer matter to the Special Court under Section 154 of the Electricity Act, 2003 to fix the civil liability on the petitioner.

Subject to the above, the Writ Petition is disposed of at the admission stage. Miscellaneous petitions pending consideration if any in the Writ Petition shall stand closed in

consequence. No order as to costs.

JUSTICE A. RAMALINGESWARA RAO

DATED 4TH SEPTEMBER, 2015.
Msnr_x