

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

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WRIT PETITION No.6293 OF 2016

ORDER:

This writ petition is filed challenging the provisional assessment order dated 24.12.2015, issued by the respondents-authorities alleging that the petitioner was indulged in malpractice.

The allegations made in the provisional assessment order dated 24.12.2015, reads as under:

“At the time of inspection consumer utilising power supply for Cat-III prawn tank by removing the fuse carriers between energy meter and load and connected two nos. black insulated aluminium cored wires from LT distribution box of 3 phase DTR to the outer terminals of load fuse carriers connected to aerator motors with phase shifters by passing energy meter there by making energy meter not to record the actual consumption. Hence, consumer dishonestly indulged in theft of energy. Hence, theft of energy case is booked as per Section 135 of I.E Act, 2003.”

In the provisional assessment order dated 24.12.2015, it has also been indicated that if the petitioner desires to continue the power supply, he has been given liberty of paying 50% of the total assessed amount of Rs.14,09,647.38 ps i.e., Rs.7,04,824/- along with supervising charges of Rs.100/- and reconnection charges of Rs.75/-.

Learned counsel for the petitioner submits that the petitioner is ready to deposit the half of the total assessed amount as mentioned in the provisional assessment order dated 24.12.2015.

In the light of the submission made by the learned counsel for the petitioner that the petitioner is ready to pay the half of the assessed amount and as the very adjudication is pending before the respondents-authorities, the writ petition is disposed subject to the

condition of the petitioner complying with the provisional demand as made in the impugned provisional assessment order dated 24.12.2015.

Accordingly, the writ petition is disposed of directing the respondents-authorities to restore the power supply immediately to the unit of the petitioner on a condition of the petitioner paying 50% of the total assessed amount of Rs.14,09,647.38 ps i.e., Rs.7,04,824/- along with supervising charges of Rs.100/- and reconnection charges of Rs.75/-. No order as to costs.

In view of the disposal of the main writ petition, Miscellaneous Petitions, if any pending in this writ petition shall also stand closed.

CHALLA KODANDA RAM,J

Date:29.02.2016.

Note:

Issue CC in two days.

B/o.

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THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

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