

THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.17057 of 2016

ORDER:

Heard counsel for petitioner and learned standing counsel.

2. Petitioner in the instant writ petition assails the provisional assessment notice bearing Lr.No.ADE/O/Rdg/D.No.4037/16 dated 06.04.2016 and disconnection of power supply to service connection No.7521405000145 as illegal and contrary to the Electricity Act, 2003.

3. One of the primary grounds on which the provisional determination of penalty etc. is challenged is that the meter readings are recorded, bills are raised and the petitioner has been paying the bills, therefore, if one takes into consideration the last meter reading till the date of inspection on 06.04.2016, it could not have been that the pilferage alleged against the petitioner is correct.

4. Learned standing counsel vehemently opposes the contentions urged by the petitioner and submits that at this stage of the matter, this Court may not take into consideration the defence of petitioner and determine the amount payable by him. Since the impugned notice is provisional in nature, it is certainly open to petitioner to place his explanation before the authority. The authority will consider and pass appropriate orders. With a view to avoid inconvenience to the petitioner, learned standing counsel fairly states that pending consideration and passing of final assessment order, the respondents can be directed to restore the power supply subject to petitioner depositing half of the amount demanded.

5. I have perused the provisional assessment order and also the reasons stated in the accompanying affidavit. At this stage of the matter, having regard to the totality of circumstances and also the fact that the petitioner is only using the said service connection for dissemination of TV programmes

through DTH, the respondents are directed to restore power supply to service connection No.7521405000145 subject to petitioner depositing one-third (1/3rd) of the amount demanded through the provisional notice. Petitioner is given four (4) weeks time from today to submit explanation to respondents and the respondents are further directed to pass appropriate final orders within a further period of two (2) months thereafter.

The writ petition is disposed of. As a sequel, the miscellaneous applications, if any pending, shall stand closed. There shall be no order as to costs.

S. V. BHATT, J

June 8, 2016
DSK