

**THE HON'BLE SRI JUSTICE S.V.BHATT**

**WRIT PETITION.No.20051 of 2005**

**ORDER:**

Heard Mr. D.V. Nagarjuna Babu for petitioner and Mr. R. Vinod Reddy for respondents.

2. Petitioner challenges the notice dated 26.02.1992 issued in the pending proceedings before the second respondent in purported exercise of its power to pass final assessment order.

3. Learned counsel appearing for the parties submits that the authority of second respondent to consider and pass final assessment orders either prior to 2003 or after 2003 is no more *res integra*.

Prior to 2003 it was the tribunal, which had the jurisdiction to decide the final civil liability either for pilferage or wrong metering etc. and after the Electricity Act, 2003 (for short 'the Act') it is for the Special Court to decide the civil liability. The petitioner relies upon the order of this Court in WP.No.7582 of 2004 dated 22.04.2004.

4. Having regard to the fact that the authority, which has issued the notice for final assessment, admittedly, does not have the jurisdiction under the Act, I am satisfied the writ petition can be disposed of by this order.

5. The respondents are directed to refer the pending final assessment proceedings in Lr.No.SEA/HYD/F.540/Sec'bad/D.No.454/92 dated 26.02.1992 to Special Court within two (2) months from the date of receipt of copy of this order. The Special Court is directed to dispose of the reference as expeditiously as possible, preferably, within a further period of four (4) months from the date of such reference.

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.

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S. V. BHATT, J

June 21, 2016  
DSK