

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 772 of 2007

ORDER:

The undated attachment notice demanding a sum of Rs.1,36,905/- issued by the respondent-authorities is challenged before this Court.

2. The specific contention of the petitioner is that on earlier occasion when a demand of Rs.11,687-80 ps was made, the petitioner filed W.P. No.18154 of 1994 and this Court taking into consideration the connected load, directed the petitioner to pay a sum of Rs.4,000/- with a further direction to the respondent-authorities to follow the procedure contemplated under Clause-39 of the terms and conditions of supply and determine the sum payable, if it is otherwise payable. Thereafter, the petitioner had not received any final assessment proceedings and there was no assessment conducted by the respondent-authorities as directed by this Court. However, the demand was received by the petitioner in the year 2007.

3. A counter affidavit is filed now sworn by the Assistant Divisional Engineer. In the counter affidavit, it reads as under:

"It is relevant to submit here that the petitioner was highly irregular in paying the regular consumption charges. The petitioner did not pay the regular consumption charges during several months since 1994 till 2003 and many a times he used to pay the consumption charges partially. Due to the said irregular

practices of the petitioner in paying the consumption charges the due have accrued to a tune of Rs.1,74,396/- upto December, 2004. Thereafter as the petitioner has not paid the amount, the security deposit available with the respondent company against the said service connection was adjusted towards consumption charges and the petitioner has to pay the balance amount of Rs.1,36,905/- as on February, 2005."

4. A perusal of the above explanation submitted by the respondent does not inspire any confidence. The bald statement, that from 1994 to 2003, the respondents had accepted only part payment without taking recourse to collection, cannot be believed, as this Court can take judicial note of the fact that the disconnection of supply is being made by the Electricity Board in such cases. Further, the respondents also need to explain if only part payment has been made from 1994 to 2003, what action has been taken against the respondent-authorities, who are responsible for not collecting current consumption charges on regular basis. There being no particulars before this Court in that regard, the version of the respondent-authorities cannot be believed. If at all, the respondents are really taken necessary steps, they would have stated so. Further admittedly, there was no enquiry conducted prior to issuance of the attachment notice.

5. It is submitted by the learned counsel for the petitioner that the respondent-authorities had long back disconnected the power

supply and the petitioner is forced to run his small flour mill with the help of a diesel generator.

6. In those circumstances, this writ petition is allowed setting aside the undated attachment notice issued by the respondent-authorities. There shall be no order as to costs.

7. Miscellaneous Petitions, if any pending in this writ petition, shall also stand closed.

CHALLA KODANDA RAM, J

Date: 01.11.2016

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