

THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.10093 of 2012

ORDER:

Petitioner challenges provisional assessment order communicated through Lr.No.ADE/OP/D-SVI/BLNR/D.No.2484/2011 dated 13.01.2012 as illegal, arbitrary and without material and liable to be set aside. Petitioner in support of its prayer has urged several factual and legal submissions.

2. On 11.04.2012, this Court passed the following interim order:

“It is stated by the learned counsel for the petitioner that an amount of Rs.70,000/- has already deposited in pursuance of the impugned demand notice.

In the circumstances, there shall be interim direction to the respondents not to disconnect the power supply to the petitioner's service connection bearing No.S2061986 (category-III) subject to condition that the petitioner shall deposit Rs.1,00,000/- (Rupees One Lakh only) before the respondents within a period of four weeks.”

Learned counsel for the petitioner submits that the condition is complied with.

3. Mr. Vinod Reddy, firstly, objects to the maintainability of the writ petition against provisional assessment order and secondly, contends that when final assessment order is not passed by the authority under Section 126(3) of the Electricity Act, 2003, considering those objections by this Court is not warranted.

4. I have perused the material available on record and taken note of the submissions of the learned counsel appearing for the parties. The petitioner challenges the provisional assessment order dated 13.01.2012. This Court on 11.04.2012 granted interim stay subject to condition and the same is in force as on date. Therefore, instead of considering the merits of the matter, at this stage of the matter,

this Court is of the view that the Assistant Divisional Engineer can consider to determine and pass final assessment order in accordance with law. The said exercise is directed to be completed within a period of two (2) months from the date of receipt of a copy of this order.

Till the decision is taken and communicated to the petitioner, the interim order granted on 11.04.2012 is directed to be maintained by the parties.

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

April 1, 2016
DSK