

THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.34946 of 2016

ORDER:

Heard Mr. G. Rama Gopal for petitioner and Mr. M. Ravindra for respondents.

2. The petitioner prays for Mandamus declaring disconnection of power supply by respondents for petitioner-ice factory (service connection No.153451106000960) at R.S.No.88/2, Digamaru Village, Palakol Mandal, West Godavari District without issuing notice as illegal, arbitrary and violative of principles of natural justice. Petitioner prays for consequential direction to restore power supply to the service connection referred to above.

3. The objections of petitioner are two fold viz. disconnection of power supply without notice and also for uninformed reasons as unsustainable in law. Further, the disposal of appeal by the Divisional Engineer, Operation Division/second respondent against the provisional determination dated 22.07.2016 is laconic and unsustainable. The technical issue for consideration by second respondent, admittedly, in the appeal filed by the petitioner is whether the meter reading, as was done by following CO TODKVAH reading is permissible or reading ought to have been in accordance with cumulative KVAH reading. The petitioner, in the appeal filed before the second respondent, has not only explained the circumstances in support of petitioner's case for following CO TODKVAH reading but not

cumulative KVAH reading, requested for personal hearing and also opportunity to avail the assistance of a qualified technical person.

4. It is clear from the order dated 18.08.2016 of second respondent, firstly, the factual, technical and legal objections raised by the petitioner are not considered, secondly, by adopting the inspection report, the appeal is dismissed and the liability of Rs.35,27,812/- is fastened on the petitioner.

5. Learned standing counsel, after perusing the orders passed by this Court on earlier occasion and the order dated 18.08.2016 of the second respondent admits that the order dated 18.08.2016 is too brief to sustain, hence submits that the order dated 18.08.2016, which is the cause for disconnection of subject power supply connection, can be set aside. The appeal pending before the second respondent can be restored and the second respondent may be directed to dispose of the appeal within four (4) weeks from the date of receipt of copy of this order. While making this submission, learned counsel further submits that the petitioner unilaterally cannot and could not continue to pay according to CO TODKVAH reading for the current bills as well but subject to the determination of applicable reading, the petitioner must continue to pay the bills as demanded by respondents 3 and 4.

6. After considering the totality of circumstances and also the swift disconnection of subject connection, I am satisfied the writ petition can be ordered as follows:

1. The order dated 18.08.2016 of second respondent is set aside, matter remitted to second respondent for consideration and disposal in accordance with law

within four (4) weeks from the date of receipt of copy of this order. To ensure that petitioner is afforded fair and reasonable opportunity on technical issue, the second respondent considers the request already made by petitioner for personal hearing and also to take technical assistance in this behalf.

2. The respondents are directed to restore power supply subject to petitioner paying the current bill forthwith.
3. Petitioner is directed to pay the bills raised by following cumulative KVAH reading, however such payment is subject to the outcome of the appeal before the second respondent.
4. As the dispute relates back to 2014, to avoid further delay in the matter, this Court further directs respondents 2 to 4 to ensure that the entire exercise of determination is completed within the time stipulated by this Court.

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

October 18, 2016
DSK

S. V. BHATT, J