

THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.24987 of 2009

ORDER:

Heard Sri Rajnikanth Jwala for petitioner. None appears for respondents.

The subject matter of writ petition is premises bearing No. 6-10-10/1 in Sy.No.17 at Katedan Village, Rajendranagar Mandal, Ranga Reddy District read with S.C.No.31006-03208.

The petitioner prays for Mandamus declaring disconnection of power supply to S.C.No.31006-03208 vide Dstraint Notice, dated 27-07-2009 read with disconnection of power supply on 06-11-2009 for alleged dues of S.C.No.3403-1294 of Sai Charan Industry, as illegal, contrary to Electricity Act, arbitrary and unconstitutional.

The facts relevant for disposal of writ petition are as follows:-

On 31-07-2006 the petitioner through registered sale deed claims to have purchased house property referred to above. The petitioner applied for sanction of power supply and the same was sanctioned and at the subject premises S.C.No.31006-03208 was given. According to petitioner, the petitioner has been paying consumption charges and the last payment to which some reference is made in the counter affidavit was on 15-12-2009. On 27-07-2009, the petitioner received notice addressed to Sai Charan Industry demanding sum of Rs.2,71,818/- plus surcharge and other incidental expenses. The case of petitioner against Dstraint notice dated 27-07-2009 as the notice issued in respect of S.C.No.3403-1294. The connection stood in the name of Sai Charan Industry. The petitioner is under legal obligation to pay the consumption charges for the period commencing from 31-07-2006 and not prior to that. Disconnecting service Connection No.31006-03208 for the alleged default of

previous occupant in whose favour the connection was standing is completely illegal, arbitrary and unsustainable.

The respondents filed counter affidavit and the circumstances are not in dispute. The crux of the matter is that the respondents did not reply the crucial aspect of the matter viz., whether due to non-payment of arrears for service connection No.3403-1294 the respondents can disconnect Service Connection No.31006-03208.

Prima facie, this court is of the view that the procedure followed for disconnecting Service Connection No.31006-03208 is unsustainable. The disconnection effected on 06-11-2009 cannot and could not be sustained and accordingly this court holds that disconnection is illegal and arbitrary.

Learned counsel for petitioner is unable inform the court the present stage of enjoyment of power supply by petitioner. Therefore, the petitioner is given liberty to make a representation to respondents by enclosing a copy of this order and seek appropriate orders for restoration of power. As and when such application is made, it is needless to observe that respondents act on it and pass appropriate orders within two months from the date of receipt of a copy of the order.

Accordingly, the writ petition is disposed of. No order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

S.V.BHATT, J

Date: 26-04-2016

Prv

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Dated 26-04-2016

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