

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 21640 OF 2007

ORDER :

Questioning the notice dated 14.09.2007 issued by the 2nd respondent Assistant Divisional Engineer (Operation), this Writ Petition has been filed.

It is alleged that for service connection bearing No. C 20432 Category-II D.3 Section, Kakinada, the petitioner has been availing the power supply exceeding the contracted load of 16.770 KW by connecting load of 28.740 KW, resulting in excess of the contracted load by about 12 KW. The petitioner was put on notice to seek regularization of the above additional load within 30 days by paying Rs.38,550/-, in default, it was made clear that the service connection would be disconnected. The case of the petitioner is that she was put on yet another notice dated 14.09.2007 alleging that she has been using the electricity for the purpose other than for which it was sanctioned. Hence, the petitioner was required to pay a sum of Rs.2,87,257/-. The said notice was challenged before this Court by filing Writ Petition No. 20595 of 2007, wherein this Court initially granted suspension of the operation of the proceedings dated 14.09.2007 subject to the petitioner depositing Rs.1 lac. Thereafter, the said Writ Petition came to be disposed of with a direction to the respondents to pass final order pursuant to the objections filed by the petitioner on 22.09.2007. Now the petitioner requests that similar order may be passed in the present Writ Petition also as both the notices are interconnected.

The respondents filed a counter affidavit stating that the petitioner had suppressed the filing of Writ Petition No. 20595 of 2007, wherein this Court directed to deposit a sum of Rs.1 lac. It has further been stated that the said amount has been paid by the petitioner and pursuant to the order passed by this Court, necessary orders would be made.

Heard learned counsel for the petitioner as well as learned Standing Counsel for the respondents.

Having considered the respective submissions, it may be seen that the earlier notice dated 14.09.2007 bearing Lr.No. ADE/O/T/KDA/F.Doc/D.No. 3361/07, is different and distinct from the one dated 14.09.2007 bearing Lr.No. ADE/O/T/KDA/F:Addl. Load/D.No. 3367/07, which is impugned in the present Writ Petition. The earlier notice dated 14.09.2007 relates to difference of tariff which the petitioner was required to be paid for availment of the supply, whereas in the impugned notice, the respondents had given an opportunity to the petitioner to regularize the excess connected load in contrast with the original contracted load. It is entirely for the petitioner to either seek regularisation of the excess load or make payment of the penal charges for consumption of the excess load. Inasmuch as a notice has already been issued for payment of consumption charges, sofar as the excess load is concerned, the respondents shall give an opportunity to the petitioner to make a choice of retaining the excess load or to get the same disconnected.

Therefore, subject to the condition of the petitioner approaching the respondents, within a period of 10 days from the date of receipt of a copy of this order, the latter shall pass appropriate orders either to allow the petitioner to retain the excess load or to reduce the excess load to the contracted load.

Subject to the above, the Writ Petition stands disposed of. No costs.

Consequently, the miscellaneous applications, if any shall also stand disposed of.

14th November 2016

ksld

CHALLA KODANDA RAM, J

