

THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION.No.27742 of 2008

ORDER:

Heard Mr. Satish Kumar Varma for petitioner and Mr. R. Vinod Reddy for respondents.

2. The petitioner prays for Certiorari to quash Lr.No.AAO/ERO-XI/ADM/JAO/D.No.863/08 dated 08.12.2008. Petitioner filed WP.No.25383 of 2006 challenging the final assessment dated 20.10.2006 as illegal and arbitrary. On 15.12.2006, the writ petition was disposed of with the following observation:

“Inter alia, it is contended that impugned Final Assessment Order was passed without giving an opportunity to the petitioner. On this limited ground, this Court, being convinced of the *prima facie* case of the petitioner, directed the learned Standing Counsel for Central Power Distribution Company Limited (CPDCL) to get instructions in the matter. Today after getting instructions, Sri A. Bhuvana Sunder Reddy, learned Counsel representing the learned Standing Counsel for CPDCL, submits that the respondents have decided not to enforce the Final Assessment Order, and that the matter is being referred to the Special Court under Section 154 of the Electricity Act, 2003, for determining the civil liability of the petitioner.

The respondents are given liberty to do so. In view of this submission, it would not be proper for this Court to adjudicate the issue. For further redressal, if any, the petitioner may approach the Special Court.”

In this background circumstances, the complaint of petitioner is that the communication dated 08.12.2008 is both illegal and arbitrary.

3. Mr. R. Vinod Reddy submits that as observed by this Court in the earlier writ petition steps required for referring the case to Tribunal ought to have been taken up but at this point of time, he is unable to explain the reasons for not doing so. He further submits that within eight (8) weeks from today the respondents will take steps as are required for determination of assessment by the tribunal.

4. As and when such reference is made before the Tribunal, this Court directs the tribunal to expeditiously dispose of the reference within four (4) months from the date of reference made by respondents. Interim order dated 18.12.2008 shall remain operative for a period of six (6) months from today.

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

S. V. BHATT, J

June 20, 2016
DSK