

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

WRIT PETITION No.29438 OF 2016

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking a Writ of Mandamus challenging the Provisional Assessment Notice in Lr.No.ADE/O/RSD/KKD/F.TE.Doc.No.771/15-16/D.No.2373/15, dated 03.12.2015 issued by the second respondent.

2. Heard the learned counsel for the petitioner and Sri M.Ravindra, the learned Standing Counsel appearing for the respondents.

3. A perusal of the record reveals that the Additional Divisional Engineer (DPE), Visakhapatnam visited the premises of the petitioner on 28.11.2015 and prepared a report. As per the report, the petitioner had drawn the electricity directly from the LT lines with the help of black colour wires to prawn culture tanks. Basing on the said report, the second respondent issued the impugned notice directing the petitioner to pay an amount of Rs.17,64,586/-.

4. At the time of arguments, the only relief sought for by the learned counsel for the petitioner is to refer the matter to the competent Civil Court in view of Section 154(5) of the Electricity Act. The learned Standing Counsel for the respondents also consented for the same.

5. Having regard to the facts and circumstances of the case and also the submissions made by the learned counsel for both parties, the respondents are hereby directed to refer the matter to Civil Court to decide the liability of the petitioner in the light of the

provisions of the Electricity Act, 2003, as expeditiously as possible, preferably within a period of three (3) weeks from the date of receipt of a copy of this order.

6. With the above direction, the Writ Petition is disposed of.
No costs.

7. Consequently, Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

T.SUNIL CHOWDARY, J

Date: 02.09.2016
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