

THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.23704 of 2003

ORDER:

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Heard Sri G.Vidyasagar, Senior counsel for petitioner and Sri K.Ravindra Kumar, Standing counsel for respondents.

The petitioner challenges order No.SE:OP:KNR:TECH:D.No. 1403, dated 09-09-2003. The Superintending Engineer Operations, Karimnagar/1st respondent through the impugned order called upon the petitioner to pay a sum of Rs.34,044/- towards energy charges for consumption of unrecorded 20,000 units.

The operative portion of the impugned order reads as follows:-

“On this representation the Divisional Engineer Electl. Operation Huzurabad has recommended to consider the short fall 20.000 units from date of release 30-3-1993 to date of inspection 16-11-2001 an average basis and requested to deduct the pilferage units from short fall.

As per recommendation of the Divisional Engineer Electl. Operation Huzurabad the case is for Rs.35,044/- as per statement enclosed based on the average consumption from 3,1993 to 11 2001.

Having regard to the aforesaid facts and circumstances of the case and after thorough verification of records, I am convinced that the consumer did not indulged and meddled with meter and the meter has not recorded the consumption that the consumer did not indulged and meddled with meter and the meter has not recorded the consumption 20000 and the loss sustained by the A.P.Transco is on account of the energy recording less by 20,000 units is estimated at Rs.35,044 only. The consumer shall contact Asst. Accounts Officer, ERO. A.P. Transco Huzurabad and pay the said amount less the amounts already paid. If any in

this case within 30 days of receipt of this order, failing which supply to the said service connection will be disconnected and steps will be taken to recover the amount due. This order is final and no appeal further.”

The circumstances relevant for disposal of the writ petition are that the petitioner is a domestic consumer of electricity. On 06-11-2001, the Assistant Divisional Engineer (Operations), inspected the house of petitioner and issued provisional notice dated 26-11-2001. It is matter of record, the petitioner submitted representation and contended that the figures arrived at by the Department are incorrect and the meter is defective and no meddling by the petitioner is noticed, therefore demanding energy charges for unrecorded 20,000 units is impermissible. As already noted, the 1st respondent had recorded a finding of fact that the petitioner did not either indulge in tampering with the meter or meddle with it in any way but non-recording of actual consumption is due to defective meter.

Learned counsel appearing for petitioner submits that as against the demanded amount of Rs.35,044/-, the petitioner has already paid Rs.18,000/- and odd. The petitioner may be permitted to pay the balance amount without further levies such as penalty or interest for reconnection.

Learned standing counsel appearing for the respondents draws the attention to the impugned order and contends that balance should be paid with interest.

The petitioner is a domestic consumer and the facts and circumstances of the case are certainly singular. The supposition in the notice is that the Meter was tampered. But the 1st

respondent has taken note objectively of the totality of circumstances and exonerated the charge of either meddling or tampering with the meter by the petitioner. Non-recording of actual consumption is attributed to defective meter. At the earliest point of time, the petitioner had paid 50% of the demanded amount and the petitioner is prepared to pay the balance without demur. I am satisfied that the writ petition can be disposed of by this order.

The petitioner is given liberty to pay balance 50% to respondents, by enclosing a copy of this order, within three months from the date of receipt of copy of this order. On such deposit, the respondents are directed to restore power and not insist upon payment of interest etc. If the petitioner does not pay the amount as indicated above, it is open to the respondents to act in accordance with law.

Accordingly, the writ petition is disposed of. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

S. V. BHATT, J

Dt: 21-06-2016

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