

**THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA
RAO**

W.P.No.33589 of 2015

ORDER:

Heard the learned counsel for the petitioner, learned Government Pleader for Energy appearing for 1st respondent and the learned Standing Counsel for respondent Nos.2 to 4.

2. The petitioner is in possession of plot No.36 in Sy. No.703/2, Nowluru village, Mangalagiri Mandal, allotted by the AP Industrial Infrastructure Corporation Limited in favour of his brother late Kothapalli Venkateswara Rao from whom the petitioner claims to have purchased it through agreement of sale dt.26-11-2013. For this plot, admittedly there is a service connection No.984 provided by the respondents in the name of the petitioner's brother. However, the petitioner's brother's family is not cooperating for execution of the sale deed in his favour and therefore petitioner was constrained to file O.S.No.215 of 2015 on the file of II Additional District Judge, Guntur for specific performance of the above agreement of sale against legal representatives of his brother.

3. Petitioner contends that he applied for a separate power connection under residential category. But the respondents are not providing such a connection

and are not furnishing any reasons for their inaction. He also alleges that power supply was disconnected to his plot on the ground that certain objections were received.

Petitioner therefore seeks a direction to respondents to restore the power supply connection to his plot.

4. In the counter affidavit filed by 4th respondent, the respondents have taken the stand that they have not provided any electricity service connection in the petitioner's name. They contend that the service connection No.984 in the name of the petitioner's brother is already available for the same premises and since there is a dispute pending before the II Additional District Court, Guntur in O.S.No.214 of 2015, they have not released a service connection to the petitioner. They also contend that in the inspection conducted by the Assistant Engineer, no separate kitchen or household was found in the premises and therefore his application for L.T. domestic service connection cannot be considered.

5. Under Section 43 of the Electricity Act, 2003, there is obligation cast on respondents to supply electricity to premises in respect of which an application is made by the owner or occupier thereof within one month.

6. Merely on the ground that there is a dispute pending in a civil suit between the petitioner and petitioner's brother's legal representatives, it is not open to the respondents to refuse to provide service connection to

the petitioner.

7. Since the service connection No.984 in the name of petitioner's brother is said to exist in the land, the respondents are at liberty to terminate the said service connection and collect arrears if any from the petitioner or the legal representatives of the petitioner's brother.

8. But the respondents shall consider petitioner's application for grant of LT Domestic service connection to the subject premises subject to the petitioner satisfying the respondents about the existence of a separate kitchen or house-hold in the premises. If not, since admittedly the plot in occupation of the petitioner is in the industrial area, the respondents can also consider petitioner's application for service connection in the category applicable to industries, if they are not satisfied that the petitioner intends to use the electricity service supply provided by the respondents for residential purpose or domestic purpose. This exercise shall be completed by the respondent Nos.2 to 4 within four weeks from the date of receipt of a copy of this order.

9. The Writ Petition is allowed to the above extent. No costs.

10. As a sequel, the miscellaneous petitions, if any pending, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 21-01-2016

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