

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.7028 OF 2016

ORDER:

The writ petition is filed questioning the action of the respondents in not considering the representation dated 01.01.2016 submitted by the petitioner and consequently direct the respondents not to disconnect the Service Connection No.2076 of the petitioner's Slab Polishing Unit.

It is the case of the petitioner that he is running the Slab Polishing Unit since long time and the respondents-authorities had provided the Electricity Service Connection bearing No.2076 to the petitioner's premises at Palukuru Village, Banaganapalle Mandal, Kurnool District. While things stood thus, the staff of the 4th respondent visited the petitioner's Slab Polishing Unit on 10.10.2015 and imposed penalty of Rs.3,57,543/- on the allegation of the petitioner committing theft of energy. When questioned the respondents-authorities have issued proceedings dated 10.12.2015 asking the petitioner to pay 50% of the penalty imposed by giving time to pay remaining amount in six instalments. Left with no alternative a sum of Rs.1,78,875/- was paid on 21.12.2015. Thereafter, a detailed representation dated 01.01.2016 was submitted to the respondents-authorities requesting them to make necessary enquiry in the matter. But, thereafter, no enquiry was conducted. Hence, the writ petition.

Allegation against the petitioner is thieving of energy by tampering with the electrical installations and thus avoiding recording of actual energy consumed. A Criminal Case on account of Theft of Energy has also been registered against the petitioner in the Vigilance & APTS Team, APTS Police Station. As the allegations levelled against the petitioner are serious in nature, the respondent-authorities are bound to conduct an enquiry against the petitioner by

taking into consideration of the representation dated 01.01.2016 submitted by the petitioner.

In the light of the aforesaid discussion and inasmuch as the petitioner has already submitted his explanation denying the allegations made against him, the respondents-authorities are directed to complete the enquiry and pass appropriate final orders within a period of four weeks from the date of receipt of a copy of this order duly affording an opportunity of hearing. However, till such time the enquiry is completed, the respondents-authorities shall not disconnect the power supply to the unit of the petitioner subject to condition the petitioner continues to pay the current consumption charges.

Subject to the above, the Writ Petition is disposed of at the admission stage. Miscellaneous petitions pending consideration if any in the Writ Petition shall stand closed in consequence. No order as to costs.

Miscellaneous Petitions pending, if any, in this writ petition shall stand closed.

CHALLA KODANDA RAM,J

Date:09.03.2016.
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THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

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