

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

WRIT PETITION No.29435 OF 2016

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking to declare the provisional assessment notice in Lr.No.ADE/O/RSD/KKD/F.TE.Coc.No.809/15-16/ D.No.300/16, dated 19.03.2016, issued by the second respondent-Assistant Divisional Engineer (Operation), Eastern Power Distribution Company of Andhra Pradesh Limited, Kakinada Rural, East Godavari District, for theft of electrical energy, as illegal and arbitrary.

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

3. A perusal of the record reveals that the second respondent provisionally assessed the electricity charges at Rs.10,93,739/-. It is the case of petitioner that he paid an amount of Rs.5,44,566/- on 28.03.2016, being 50% of the provisional assessment amount.

4. Both the learned counsel with one voice submitted that the issue involved in this writ petition is squarely covered by the common order of this Court dated 12.08.2015 passed in W.P. Nos.25223, 25283 and 25319 of 2015 and that this writ petition may be disposed of in terms of the said common order.

5. Having regard to the facts and circumstances of the case, this Court sees no reasons to interfere with the impugned provisional assessment notice, as no ground is made out. However, the respondents are directed to refer the matter to the Special Court constituted under Section 154(5) of the Electricity Act, 2003, for determination of civil liability and till such time, the respondents shall not disconnect the electricity connection or demand the payment of balance amount. The amount deposited by the petitioner shall be subject to the final amount determined by the Special Court.

6. Accordingly, this 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.

T.SUNIL CHOWDARY, J

Date: 31.08.2016
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