

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF
ANDHRA PRADESH

TUESDAY, THE TWENTY THIRD DAY OF FEBRUARY TWO
THOUSAND AND SIXTEEN

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Present

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

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WRIT PETITION No.5294 of 2016

Between:

Bandi Srinivas, S/o. Late Rama Krishna,
Aged 38 years, Hindu, Business,
R/o.D.No.8-3-43, Ramavanam Mallayya Street,
Amalapuram, East Godavari District & another

.. Petitioners

AND

The Eastern Power Distribution Company of A.P. LTD,
Rep. by its Chairman & Managing Director,
Visakhapatnam & 5 others

.. Respondents

The Court made the following:

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HON'BLE SRI JUSTICE CHALLA KODANDA RAM

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WRIT PETITION No.5294 of 2016

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ORDER:

The writ petition is filed by the petitioner under Article 226 of the Constitution of India seeking for writ of *mandamus* to declare the action of the official respondents in not giving actual power connection in pursuant of the Sanction Order vide PRNO: 1508177360017, dated 17.08.2015, Reg. No.NSCREG 193575 of Amalapuram Town Section for the 1st floor near Clock Tower in the House Door No.7-1-26/1, Amalapuram, East Godavari District, as illegal, arbitrary and contrary to Section 43 of the Electricity Act, 2003.

2. Though the 6th respondent has been arrayed as party respondent, considering the nature of relief which has been sought in the writ petition, I do not consider it necessary that any notice be issued to the 6th respondent.

3. The case of the petitioners is that the 1st petitioner is the husband of the 2nd petitioner and 6th respondent is the 1st petitioner's sister's son. The petitioners jointly purchased property to an extent of 42.97 square yards in Survey No.417/62A under registered Sale Deed, dated 15.04.2004, and another property to an extent of 3.97 square yards under registered Sale Deed, dated 06.05.2004, and sold an extent of 6 square yards. The name of the 6th respondent was included in the above sale deeds. The petitioners claim that as a General Power of Attorney, the 1st petitioner has executed a sale deed, dated 31.03.2011, in favour of

the 2nd petitioner for sale consideration of Rs.3,00,000/-, 1/3rd share out of Rs.9,00,000/- in the aforesaid property belonging to the 6th respondent and passed receipt in his favour. While so, the 1st petitioner applied for sanction of electricity connection. The Assistant Electrical Engineer, Eastern Power Distribution Company of A.P. LTD Operation Circle, Amalapuram, East Godavari District (5th respondent) sanctioned Electricity Connection vide PNR No.1508177360017, Reg. No.NSCREG 193575, dated 17.08.2015, by Amalapuram Town Section in the 1st petitioner's name after receipt of requisite fee and also executed Indemnity Bond for new service connection, but the 5th respondent was not acted upon with the sanctioned electricity connection as the 6th respondent got issued a legal notice, dated 22.08.2015, to the official respondents stating that he has filed a suit O.S.No.96 of 2013, on the file of the Senior Civil Judge, Amalapuram, for cancellation of the registered Sale Deed, dated 31.03.2011, by declaring that the said document is not valid and *void abinitio* and the said suit is pending.

4. When the matter came up for admission on 19.02.2016, the learned counsel for the respondents was directed to get instructions. Today when the matter is taken up for hearing, the learned counsel for the respondents submits that the facts are not in dispute.

5. As can be seen from the material placed on record, the sanction order granted in favour of the first petitioner is not in dispute. The power supply to the petitioners was not released solely on the ground that the 6th respondent filed a suit seeking cancellation of the Sale Deed, dated 31.03.2011, which was executed by the first petitioner in favour of the 2nd petitioner. The

pendency of the suit can have no bearing. At any rate, the internal family dispute between the petitioners and the 6th respondent cannot be a ground for the 1st respondent for not releasing the power supply, since under the statute, the respondent company is mandated to supply the power subject to the consumer fulfilling the formalities in relation to power supply. As there being no dispute with regard to the first petitioner fulfilling the formalities and paying the necessary amounts, there cannot be any impediment for the first respondent in releasing the power supply in favour of the petitioners.

6. Accordingly, the Writ Petition is allowed. The first respondent is directed to release the power supply forthwith in pursuance of the Sanction Order vide PRNO: 1508177360017, dated 17.08.2015, Reg. No.NSCREG 193575 of Amalapuram Town Section for the 1st floor near Clock Tower in the House Door No.7-1-26/1, Amalapuram, East Godavari District. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

CHALLA KODANDA RAM, J

Date: 23rd February, 2016

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HON'BLE SRI JUSTICE CHALLA KODANDA RAM

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WRIT PETITION No.5294 of 2016

Date: 23rd February, 2016

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