

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
THE HON'BLE SMT JUSTICE T.RAJANI

Writ Appeal No.738 of 2017 & W.P.No.18287 of 2017

COMMON JUDGMENT: (Per the Hon'ble the Acting Chief Justice Ramesh Ranganathan)

Though this appeal, under Clause 15 of the Letters Patent, is preferred against the interlocutory order passed by the Learned Single Judge in W.P.M.P.No.22320 of 2017 in W.P.No.18287 of 2017 dated 08.06.2017, both Sri Raj Kumar Rudra, learned counsel for the appellant, and Sri R.Vinod Reddy, learned Standing Counsel for the Distribution Company, request this Court to dispose of the main writ petition itself, along with the writ appeal.

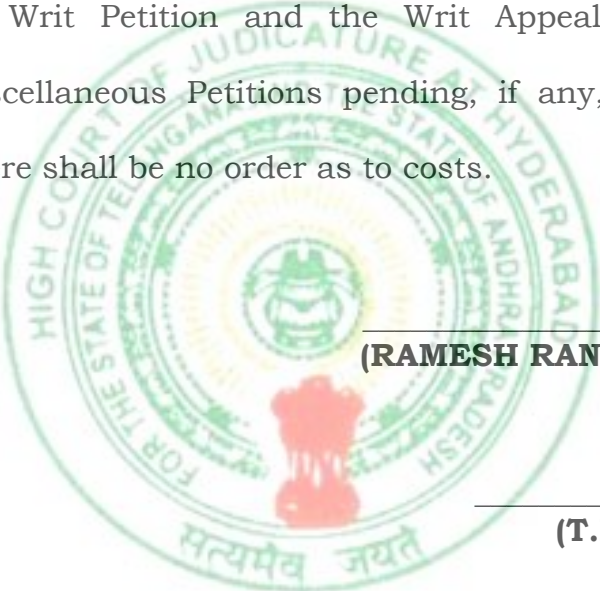
The complaint in the writ petition is of violation of principles of natural justice. On the ground that the amount demanded towards electricity dues was not paid by the appellant, power supply to his hotel was disconnected on 08.06.2017. When the appellant-writ petitioner approached this Court complaining of violation of principles of natural justice, the interim order under appeal was passed directing him to deposit the entire amount.

Sri Raj Kumar Rudra, learned counsel for the appellant-writ petitioner, would contend that no notice was served on the appellant, though the electricity connection stands in his name; and it was served on one Sri Brahmaiah whom he does not even know. As it is not in dispute that the electricity connection is in the appellant's name, the notice to show cause, why electricity dues should not be recovered, should have been served on him enabling him to file his objections thereto.

As it is now stated, across the Bar, by Sri Raj Kumar Mudra, learned counsel for the appellant, that the appellant had obtained a copy of the notice and had filed his objections thereto on 31.05.2017, we consider it appropriate to set aside the order impugned in the writ

petition, direct the 3rd respondent to provide an opportunity of an oral hearing to the appellant-writ petitioner on 28.06.2017 at 11:00 am in his office; and, thereafter, pass a reasoned order in accordance with law. If the appellant-writ petitioner fails to avail the opportunity of an oral hearing, it is open to the respondent-distribution company to proceed and pass an order in accordance with law. The entire exercise, culminating in an order being passed and communicated to the appellant-writ petitioner, shall be completed at the earliest and, in any event, on or before 31.07.2017. It is open to the respondents, after a fresh order is passed and communicated to the appellant-writ petitioner, to take action in accordance with law.

Both the Writ Petition and the Writ Appeal are disposed of accordingly. Miscellaneous Petitions pending, if any, shall also stand disposed of. There shall be no order as to costs.



(RAMESH RANGANATHAN, ACJ)

(T.RAJANI, J)

16th June, 2017

Note: Issue C.C. by 19.06.2017.

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Date: 16.06.2017

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