

THE HON'BLE SRI JUSTICE M.S.K.JAISWAL

WRIT PETITION No.6412 of 2008

ORDER

This writ petition is filed for the following relief:

“...to issue an order or direction more particularly one in the nature of writ of certiorari calling for the records pertaining to the petitioner bearing Lr.No.ADE/OP/D-XII/Santosh Nagar/C-VIII/PE/D.No.1241 of 2007 dated 01.12.2007 and quash the same and pass such other order or orders as this Hon'ble Court may deem fit and proper in the interest of justice.”

Admittedly, the petitioner is a domestic consumer. In the Inspection conducted in the year 2005, it is found that the petitioner indulged in pilferage of energy. Questioning the assessment order dated 01.12.2007, the petitioner filed this writ petition and this Court granted interim order dated 26.03.2008 directing the petitioner to pay Rs.10,000/- and the said order is said to have been complied with. The service connection of the petitioner's house has been restored.

Learned counsel for the respondent-Corporation submits that in similar cases, one of which is W.P.No.27781 of 2017, this Court disposed of the said writ petition, which reads as under:

“Since this is a case of theft of energy, the liability of the petitioner has to be decided by the competent Special Court. As stated above, the petitioner had already paid 50% of the assessment amount and in view of the same, there cannot be any disconnection of electricity supply till the liability of the petitioner is determined by the Special Court constituted under Section 153 of the Electricity Act.

In view of the above, the writ petition is disposed of directing the respondents to refer the matter to the Special Court for determination of civil liability and till such determination, the electricity service connection of the petitioner shall not be disconnected.”

Following the above order, the Writ Petition is disposed of. It is needless to say that it is open to the petitioner to raise all the

objections which are available to them before the Special Court as and when the matter is referred. There shall be no order as to costs.

The Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

M.S.K.JAISWAL,J

18th September, 2017.
ssp

