

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.29562 of 2017

ORDER:

The petitioner is having a service connection bearing SC No.0325 00846. While so it was inspected on 04.03.2017 by the ADE, SD-I, DPE, Medak, and it was found that the meter side seals were not in good condition and noticed that meter was recording lesser values of currents in R&Y phases when compared with tong tester. Accordingly, theft of electricity case was booked under Section 135 of the Electricity Act, 2003. A provisional assessment of electrical charges was made and pending determination of civil liability, the petitioner was asked to make payment of 50% of the assessed amount i.e., Rs.5,07,361/- and supervision charges of Rs.100/- along with reconnection charges of Rs.75/- for restoration of supply and to pay the balance 50% amount in two installments. Challenging the same, the present Writ Petition is filed.

The impugned notice directs payment of Rs.2,60,000/- towards compounding fees and the petitioner has not paid the said compounding fees, as a result of which, Crime No.2353 of 2017 was registered. Now it is open to the petitioner to pay the compounding fees in order to avoid the criminal proceedings.

In the circumstances and in view of insisting for payment of 50% of the assessed amount, this Court feels that the case of the petitioner shall be referred for determination of civil liability,

on condition of the petitioner paying 1/4th (one fourth) of the provisionally assessed amount to the respondents, within a period of thirty (30) days. On such payment, the electricity service connection shall be restored to the petitioner and the case of the petitioner shall be referred to the Special Court for determination of civil liability.

The Writ Petition is, accordingly, disposed of. The miscellaneous petitions pending in this Writ Petition, if any, shall stand closed. There shall be no order as to costs.

01.09.2017
vs



(A.RAMALINGESWARA RAO, J)