

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.28805 of 2017

ORDER:

The petitioner is the owner and possessor of a house bearing No.18-8-192/9/A situated at Indira Nagar, Phisal Banda, Hyderabad. The house is having the electricity service connection bearing No.R210167. It appears that theft of energy was detected on inspection and Crime No.2584 of 2017 was registered on the complaint of the A.E on 29.06.2017. The liability of the petitioner for loss of electricity was assessed at Rs.7,65,470/- apart from compounding fee of Rs.67,000/-. The petitioner paid the compounding fee on 02.08.2017. But, the said amount of Rs.7,65,470/- was included in the monthly bill of 10.07.2017 to 09.08.2017. She submitted a representation on 11.08.2017. It is her case that there was no theft of electricity and she was under the impression that by paying the compounding fee, the case would be dropped. In those circumstances, she filed the present Writ Petition.

Now a case of theft of electricity is registered against the petitioner and the petitioner, in order to avoid the criminal proceedings, paid the compounding fee. There is a liability of Rs.7,65,470/-. But, that liability was assessed by the assessing authority without determination by the Special Court. Since the ultimate civil liability has to be determined by the Special Court, this Court feels it appropriate to direct the respondents to continue to supply energy on condition of the petitioner paying

1/4th (one fourth) of the said amount along with the regular electricity charges and continue to pay the regular electricity charges. On deposit of the 1/4th amount within thirty days from today, the case of the petitioner shall be referred to the Special Court for determination of the 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.

28.08.2017
vs



(A.RAMALINGESWARA RAO, J)