

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.34125 of 2017

ORDER:

The petitioner is running a small industrial unit with a Service Connection bearing No.340505008. While so it was inspected on 18.10.2016 by the DE, DPE, RR South, and it was found that the petitioner was dishonestly abstracting/ consuming/using electricity. Accordingly, theft of energy 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.8,82,221/- for restoration of supply and to pay the balance 50% amount in two installments. Challenging the same, the present Writ Petition is filed.

Learned Counsel for the petitioner submits that the petitioner paid an amount of Rs.4,40,000/- on 15.11.2016 which is 25% of the provisionally assessed amount and also paid the compounding fee of Rs.3,15,000/- on 17.11.2016. In spite of the same, the respondents disconnected the power supply on the ground that the petitioner failed to pay the balance 75% of the amount as demanded in the provisional assessment notice.

Since the petitioner already paid 25% of the provisional assessment amount and the liability of the petitioner is yet to be

determined by the Special Court, it is not proper for the respondents to disconnect the power supply. As the petitioner has already paid the 25% of the provisional assessment amount, 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.

12.10.2017
vs



(A.RAMALINGESWARA RAO, J)