

HON'BLE DR. JUSTICE B. SIVA SANKARA RAO

WRIT PETITION No.23079 of 2017

ORDER:

The Writ Petition is filed under Article 226 of the Constitution of India for the following relief:

“to issue a Writ of Mandamus, or any other appropriate writ, order or direction, declaring the action of the respondents in demanding an amount of Rs.2,46,579/- vide monthly bill dated 09.06.2017 bearing S.C. No.450107879 as illegal, unjust, arbitrary and violative of principles of natural justice and unreasonable and pass such other order or orders as may deem fit and proper in the circumstances of the case.”

2) Heard learned counsel for the petitioner and Sri Zakir Ali Danish, learned Standing Counsel for TSNPDCL representing respondents 1 to 4, who offers to file vakalat and perused the prayer in the writ petition with the supporting affidavit including earlier order passed in W.P. No.26365 of 2015 dated 20.08.2015.

3) The case of the petitioner is that in relation to service connection No.450107879, a provisional assessment notice was issued on 13.08.2015 for an amount of Rs.4,25,620/- towards Electricity Charges directing him to pay 50% of the said amount apart from compounding fee of Rs.60,000/- for theft of energy. Impugning the same, the petitioner herein filed W.P. No.26365 of 2015 before this Court and the same was disposed of on 20.08.2015 directing that subject to payment of 50% of the amount i.e., Rs.2,12,810/- his case shall be referred to the Special Court constituted under Section 154 of the Electricity Act for determination of the Civil liability.

4) The grievance of the petitioner is that despite 50% of the amount with compounding fee paid, the respondents are demanding for remaining 50% of the amount covered in the prayer of writ petition and without the dispute being decided by the Special Court constituted to which the matter is relegated through the earlier order passed by this Court, the question of demanding 50% of the amount does not arise.

5) Needless to say, from hearing both sides since the matter was relegated to Special Court to decide the amount covered by the provisional assessment, it is for the petitioner to approach the Special Court to get any interim relief not to recover and not to disconnect pending disposal of the main dispute.

6) Having regard to the above, the writ petition is disposed of directing the respondents not to recover and not to disconnect the power supply to the petitioner for a period of one month. In the meantime, the remedy is left open to the petitioner to approach the Special Court for any interim order.

7) Consequently, miscellaneous petitions, if any shall stand closed. No costs.

JUSTICE Dr. B.SIVA SANKARA RAO

Date:19.07.2017
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HON'BLE DR. JUSTICE B. SIVA SANKARA RAO

WRIT PETITION No.23412 of 2017



Date:20.07.2017

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