

**THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO**

**WRIT PETITION No.31589 of 2017**

**ORDER:**

The petitioner is a resident of Ponnaluru Village and Mandal in Prakasam District. He is running "Teja Restaurant" in the premises of Sri Gudipudi Sundara Rao, under an agreement of lease dated 01.04.2017 executed for a period of two years. His owner is having electrical service connection bearing No.4511301001130/LT2(B) non domestic and commercial in the aforesaid premises, for which the petitioner availed the power supply from the respondents and has been paying the power consumption charges. While so it was inspected on 04.08.2017 by the ADE, DPE-II, and it was found that the consumer bypassed the load and indulged in the theft of energy. 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 the assessed amount of Rs.5,08,987/- and supervision charges of Rs.100/- for restoration of supply. Challenging the same, the present Writ Petition is filed.

In the circumstances and in view of insisting for payment 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 1/4<sup>th</sup> (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.

18.09.2017  
vs

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**(A.RAMALINGESWARA RAO, J)**

