

HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.27781 OF 2017

ORDER:

Heard learned counsel for petitioner and the learned standing counsel for respondents.

The petitioner states that he took a small industrial shed bearing Municipal No.18-8-224/5/376, Rejendranagar, Riyasathnagar, Ranga Reddy District, on rent from his landlord. He purchased plant and machinery from the landlord for a sum of Rs.4,50,000/-. He has been paying rent of Rs.15,000/- per month. The petitioner took a service connection under LT Industrial (Category-III) from the first respondent.

While so, an inspection was conducted by the Electricity Department on 21.02.2017 and it was noticed that there was a theft of electricity. Pursuant to the same, a provisional assessment notice was issued on 02.03.2017 assessing the loss of energy at Rs.8,26,536/- and he was asked to pay 50% of the said amount, besides the compounding fee of Rs.2,30,000/-. The petitioner paid the compounding fee of Rs.2,30,000/- on 06.03.2017 and also paid an amount of Rs.2,14,000/- and Rs.1,99,268/- on 07.03.2017 and 08.03.2017 respectively. Now that the petitioner is being asked to pay the balance amount and as there is a threat of disconnection of power supply, the present writ petition is filed.

Since this is a case of theft of energy, the liability of the petitioner has to be decided by the competent Special Court. As stated above, the petitioner had already paid 50% of the assessment amount and in view of the same, there cannot be any disconnection of electricity supply till the liability of the petitioner is determined by the Special Court constituted under Section 153 of the Electricity Act.

In view of the above, the writ petition is disposed of directing the respondents to refer the matter to the Special Court for determination of

civil liability and till such determination, the electricity service connection of the petitioner shall not be disconnected.

Consequently, miscellaneous petitions pending, if any, shall stand closed.

A.RAMALINGESWARA RAO, J

21.08.2017
pln

